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PATENT LAWS  
OF THE UNITED STATES;

TOGETHER WITH

RULES AND PROCEEDINGS

IN THE

Patent Office.

ALSO

HINTS TO INVENTORS

HOW TO OBTAIN LETTERS PATENT

IN THE

UNITED STATES AND EUROPE;

WITH A SYNOPSIS OF THE

Patent Laws of Foreign Countries,

AND ADVICE RELATING THERETO.

ALSO

USEFUL LEGAL INFORMATION TO INVENTORS AND PATENTEEES.

BY

MUNN & CO., PATENT SOLICITORS,

PUBLISHERS OF THE SCIENTIFIC AMERICAN.

OFFICES: NEW YORK, WASHINGTON, LONDON, AND PARIS.

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EDWARD O. JENKINS,  
PRINTER AND STEREOTYPYER,  
No. 26 Frankfort St.

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# PATENT LAWS.

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AN ACT to promote the progress of Useful Arts, and to repeal all Acts and parts of Acts heretofore made for that purpose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be established and attached to the Department of State\* an office, to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be, under the direction of the Secretary of State, to superintend, execute, and perform all such acts and things touching and respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements, as are herein provided for, or shall hereafter be, by law, directed to be done and performed, and shall have charge and custody of all the books, records, papers, models, machines, and all other things belonging to said office. And said Commissioner shall receive the same compensation† as is allowed by law to the Commissioner of the Indian Department, and shall be entitled to send and receive letters and packages by mail, relating to the business of the office, free of postage.‡

Organization of the Patent Office, and its government.

SEC. 2. *And be it further enacted,* That there shall be in said office an inferior officer, to be appointed by the principal officer, with the approval of the Secretary of State, to receive an annual salary of seventeen hundred dollars, and to be called the chief clerk of the Patent Office, who, in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of Commissioner during such vacancy. And the said Commissioner may also, with like ap-

Of clerks and inferior officers, and their salaries.

\* Now attached to the Home Department.—See page 27, section 2.

† \$3,000.

‡ Franking privilege annulled by the act entitled "An act to reduce the rates of postage," &c., approved 3d March, 1845; and restored by the act entitled "An act to establish certain post routes, and for other purposes," approved 3d March, 1847; and the act approved 27th April, 1848.—See page 26, section 4.

Cannot take or hold any interest in patents.

proval, appoint an examining clerk at an annual salary of fifteen hundred dollars, two other clerks at twelve hundred dollars each, one of whom shall be a competent draughtsman; one other clerk, at one thousand dollars; a machinist, at twelve hundred and fifty dollars; and a messenger, at seven hundred dollars. And said Commissioner, clerks, and every other person appointed and employed in said office, shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been, or may hereafter be granted.

Officers must give bonds for faithful performance of duties.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said Commissioner and the chief clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the United States; the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

Patent and record seal—cost of certified copies of documents.

SEC. 4. *And be it further enacted*, That the said Commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, papers, or drawings, belonging to the said office, under the signature of the said Commissioner, or, when the office shall be vacant, under the signature of the chief clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers, or drawings could be evidence. And any person making application therefor may have certified copies of the records, drawings, and other papers deposited in said office, on paying for the written copies the sum of ten cents for every page of one hundred words; and for copies of drawings, the reasonable expenses of making the same.

What a patent shall contain—specification and claims.

SEC. 5. *And be it further enacted*, That all patents issuing from said office shall be issued in the name of the United States, and under the seal of said office, and be signed by the Secretary of State,\* and countersigned by the Commissioner of said office, and shall be recorded, together with the descriptions, specifications, and drawings, in the said office, in books to be kept for that purpose. Every such patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

\* Secretary of the Interior.—See page 27, section 2.

SEC. 6. *And be it further enacted*, That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not at the time of his application for a patent in public use or on sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application, in writing, to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor, and attested by two witnesses, shall be filed in the Patent Office; and he shall, moreover, furnish a model of his invention in all cases which admit of a representation by model, of a convenient size, to exhibit advantageously its several parts. The applicant shall make oath\* or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen; which oath or affirmation may be made before any person authorized by law to administer oaths.

What are subjects of patents, and on what conditions granted.

How specification must be made.

Of drawings, specimens, and models

Oath and citizenship.

SEC. 7. *And be it further enacted*, That on the filing of any such application, description, and specification, and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent

Examination as to novelty; if not new rejected, with reference to prior discovery.

\* See section 4, p. 25.



How amend if therefor. But whenever, on such examination, it shall appear to the part is new.

Can withdraw the case, with part of the tax. Model remains.

To whom appeals are made, and how.

Commissioner must state the grounds of his rejection.

Tax on appeal, and pay of appeal board.

Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars,\* part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claim for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of a board of examiners,† to be composed of three disinterested persons, who shall be appointed for that purpose by the Secretary of State, one of whom, at least, to be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture, or branch of science to which the alleged invention appertains; who shall be under oath or affirmation for the faithful and impartial performance of the duty imposed upon them by said appointment. Said board shall be furnished with a certificate in writing, with the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented. And the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting, that they may have an opportunity of furnishing them with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the Commissioner to furnish to the board of examiners such information as he may possess relative to the matter under their consideration. And on examination and consideration of the matter by such board, it shall be in their power, or of a majority of them, to reverse the decision of the Commissioner, either in whole or in part; and their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however,* That before a board shall be instituted in any such case, the applicant shall pay to the credit of the treasury, as provided in the ninth section of this act, the sum of twenty-five dollars; and each of said persons so appointed shall be entitled to receive for his services, in each case, a sum not exceeding

\* All applicants on withdrawal are entitled to a return of two-thirds the duty deposited.—See section 12, page 21.

† Repealed.—See section 11, page 23.

ten dollars, to be determined and paid by the Commissioner out of any moneys in his hands, which shall be in full compensation to the persons who may be so appointed, for their examination and certificate as aforesaid.

SEC. 8. *And be it further enacted*, That whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had, to determine which, or whether either of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention, by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published, at any time within six months next preceding the filing of his specification and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings; not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year—the applicant being entitled to notice of interfering application.

On interfering applications. How decided. Appeals from commissioner's decision.

Patents taken first abroad. Dates of patents, and filing papers in secret archives, and notice.

SEC. 9. *And be it further enacted*, That before any application for a patent shall be considered by the Commissioner as aforesaid, the applicant shall pay into the Treasury of the United States, or into the Patent Office, or into any of the deposit banks,\* to the credit of the treasury, if he be a citizen of the United States, or an alien, and shall have been resident in the United States for one year next preceding, and shall have made oath of his intention to become a citizen thereof, the sum of thirty dollars; if a subject of the king of Great Britain, the sum of five hundred dollars; and all other persons the sum of three hundred dollars; for which payment duplicate receipts shall be taken, one of which to be filed in the office of the Treasurer. And the moneys received into the treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund.

Patent tax, and fund.

SEC. 10. *And be it further enacted*, That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might, by virtue of this act, be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate;

Heirs may sue for patents where inventor is deceased before application.

\* See section 15, page 25.

but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed, by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the sixth section of this act shall be so varied as to be applicable to them.

Assignments  
must be recorded  
in Patent Office

SEC. 11. *And be it further enacted*, That every patent shall be assignable in law, either as to the whole interest, or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right, under any patent, to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the United States, shall be recorded in the Patent Office within three months from the execution thereof, for which the assignee or grantee shall pay to the Commissioner the sum of three dollars.\*

Caveat, and cave-  
at fees.

SEC. 12. *And be it further enacted*, That any citizen of the United States, or alien, who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposit the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall, within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications: *Provided, however*, That no opinion or decision of any board of examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Surrender and re-  
issue—for amend-  
ments and correc-  
tions. Executors  
and assignees have

SEC. 13. *And be it further enacted*, That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or

\* See section 8, page 22.



insufficient description or specification, or by reason of the patentee claiming in his specification, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention, for the residue of the period then unexpired for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death or any assignment by him made of the original patent a similar right shall vest in his executors, administrators, or assignees. And the patent so reissued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form, before the issuing of the original patent.\* And whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of the original applications, and on the payment of fifteen dollars, as hereinbefore provided, have the same annexed to the original description and specification; and the Commissioner shall certify, on the margin of annexed description and specification, the time of its being annexed and recorded; and the same shall hereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification.†

the right of surrender.

Of engrossing additions on patent with the tax.

SEC. 14. *And be it further enacted*, That whatever, in any action for damages [for] making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment of any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case, in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignee, or as grantees of the exclusive right within and throughout a specified part of the United States.

Action for infringement. Damages.

SEC. 15. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by the plaintiff does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall

Defendant may plead general issue, and test the validity and novelty of patent.

\* See section 5, page 18.

† See section 8, page 19.



If an alien has failed to put in activity within eighteen months from date of grant.

Part of the invention proving old, does not void the patent.

Of interfering applications, and appeal for remedy by bill in equity.

fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the original and first inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it has been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the public, on reasonable terms, the invention or discovery for which the patent issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge, or use of the thing patented, he shall state, in his notice of special matters, the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases judgment shall be rendered for the defendant with costs: *Provided, however,* That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent, believing himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country; it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication: *And provided, also,* That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.\*

SEC. 16. *And be it further enacted,* That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of a board of examiners,† on the ground that the patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent, either by assignment or otherwise in the one case, and any such applicant in the other case, may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interest which the parties to such suit may possess in the patent or the inventions patented; and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear.

\* See section 9, page 20.

† See section 11, page 23.

And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: *Provided, however,* That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them subsequent to the rendition of such judgment.

SEC. 17. *And be it further enacted,* That all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court; which courts shall have power, upon a bill in equity filed by any party aggrieved, in any such case, to grant injunctions according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the United States, on such terms and conditions as said courts may deem reasonable: *Provided, however,* That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner, and under the same circumstances, as is now provided by law in other judgments and decrees of circuit courts, and in all other cases in which the court shall deem it reasonable to allow the same.

Where patent suits cognizable—granting of injunctions, and appeal to Supreme Court.

SEC. 18. *And be it further enacted,* That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of the country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury shall constitute a board\* to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of the patent should be extended, by reason of the patentee,

Conditions and proceedings necessary to obtain an extension of a patent.

Term of extension. Of extension.

\* Repealed.—See section 1, page 26.

Rights of assign-  
ees and grantees  
under the same.

without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented, to the extent of their respective interests therein: *Provided, however,* That no extension of a patent shall be granted after the expiration of the term for which it was originally issued.

Library.

SEC. 19. *And be it further enacted,* That there shall be provided, for the use of said office, a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers therein, to be purchased under the direction of the Committee of the Library of Congress. And the sum of fifteen hundred dollars is hereby appropriated for that purpose, to be paid out of the Patent Fund.

Exhibition of  
models.

SEC. 20. *And be it further enacted,* That it shall be the duty of the Commissioner to cause to be classified and arranged, in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models, and specimens of compositions and fabrics, and other manufactures and works of art, patented or unpatented, which have been, or shall hereafter be, deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

All former Acts  
repealed.

SEC. 21. *And be it further enacted,* That all acts and parts of acts heretofore passed on this subject be, and the same are hereby, repealed: *Provided, however,* That all actions and process in law or equity sued out prior to the passage of this act may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting and saving the application to any such action of the provisions of the fourteenth and fifteenth sections of this act, so far as they may be applicable thereto: *And provided, also,* That all applications or petitions for patents, pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof.

Approved July 4, 1836.

AN ACT in addition to the act to promote the progress of Science and Useful Arts.

Recording anew  
of lost patents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who may be in possession of, or in any way interested in, any patent for an



invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation, or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the descriptions, specifications of claim, and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the original record, specification, or drawing, which he may obtain, to be transcribed and copied into books of record to be kept for that purpose; and wherever a drawing was not originally annexed to the patent, and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and placed on file, or copied as aforesaid, together with certificate of the oath; or such drawings may be made in the office, under the direction of the Commissioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the board of commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded. And it shall be the duty of each of the several clerks of the judicial courts of the United States to transmit, as soon as may be, to the Commissioner of the Patent Office, a statement of all the authenticated copies of patents, descriptions, specifications, and drawings of inventions and discoveries made and extended prior to the aforesaid fifteenth day of December, which may be found on the files of his office; and also to make out and transmit to said Commissioner, for record as aforesaid, a certified copy of every such patent, description, specification, or drawing, which shall be specially required by said Commissioner.

SEC. 2. *And be it further enacted*, That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be *prima facie* evidence of the particulars of the invention, and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record, or specifications and drawings, would be evidence, without proof of the loss of such originals; and no patent issued prior to the aforesaid fifteenth day of December, shall, after the 1st day of June next, be received in evidence in any of the said courts in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence in any of the said courts in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

Such recorded patents to be *prima facie* evidence in the courts, as originals.

SEC. 3. *And be it further enacted*, That whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of Decem- Commissioner in some cases may issue a new patent in place of the one

destroyed by burning of the Patent Office.

ber, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however,* That before such patent shall be issued, the applicant therefor shall deposit in the Patent Office a duplicate, as near as may be, of the original model, drawings, and descriptions, with specifications of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.\*

Restoration of models destroyed by burning of Patent Office.

SEC. 4. *And be it further enacted,* That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December, as were most valuable and interesting, and whose preservation would be important to the public, and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided,* That a duplicate of such models may be obtained at a reasonable expense: *And provided, also,* That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office, and two other persons to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and, also, to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said commissioners may make and establish all such regulations, terms, and conditions not inconsistent with law, as in their opinion may be proper and necessary to carry the provisions of this section into effect, according to its true intent.

Surrender and reissue—fees when several are to be issued instead. When duplicate models are required. Compensation for lost models.

SEC. 5. *And be it further enacted,* That whenever a patent shall be returned for correction and reissue, under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however,* That no patent made prior to the aforesaid fifteenth day of December, shall be corrected and reissued until a duplicate of the model and drawing of the thing, as originally invented, verified by oath as shall be required by the Commissioner, shall be deposited in the Patent Office. Nor shall any addition of an improvement be made to any patent heretofore granted, nor any new patent be issued for an improvement made in

\* See section 2, page 24.

any machine, manufacture, or process, to the original inventor, assignee, or possessor of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model and drawing of the thing originally invented, verified as aforesaid, shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model and drawing, if required by the Commissioner, shall in like manner be deposited in the Patent Office. And in all such cases, as well as in those which may arise under the third section of this act, the question of compensation for such models and drawings shall be subject to the judgment and decision of the commissioners provided for in the fourth section, under the same limitations and restrictions as are herein prescribed.

SEC. 6. *And be it further enacted*, That any patent, hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent, and considered a part of the specification.

Patents may be issued to assignees. Duplicate drawings required.

SEC. 7. *And be it further enacted*, That whenever any patentee shall have, through inadvertence, accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

Disclaimers can be entered by patentee: shall not affect pending actions.

SEC. 8. *And be it further enacted*, That whenever application shall be made to the Commissioner for any addition of a newly discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and reissue, the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the Commissioner shall not add any such improvement to the patent in the one case, nor grant the reissue in the other case, until the applicant shall have entered a disclaimer, or altered his specification of

Additional improvements recorded in issued patent. And alterations of every kind subject patent to reexamination.



claim in accordance with the decision of the Commissioner; and in all such cases, the applicant, if dissatisfied with such decision, shall have the same remedy, and be entitled to the benefit of the same privileges and proceedings, as are provided by law in the case of original applications for patents.

When claims have been made so broad as to include more than patentee is entitled to, patent not violated, what remedy must be had.

SEC. 9. *And be it further enacted*, (anything in the fifteenth section of the act to which this is additional to the contrary notwithstanding,) That whenever, by mistake, accident, or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the first and original inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and *bona fide* his own: *Provided*, It shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed without right as aforesaid. And every such patentee, his executors, administrators, and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any infringement of such part of the invention or discovery as shall be *bona fide* his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

Agents to transmit models.

SEC. 10. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns of the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients, and manufactures, as shall be intended to be patented or deposited therein, the transportation of the same to be chargeable to the Patent Fund.

Additional clerks, their compensation.

SEC. 11. *And be it further enacted*, That instead of one examining clerk, as provided by the second section of the act to which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of fifteen hundred dollars: and also an additional copying clerk, at an annual salary of eight hundred dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, and to examine and compare the records with the originals, who shall receive not exceeding seven cents\* for every page of one hundred words, and for drawings and comparison of rec-

\* See section 2, page 21.



ords with originals such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

SEC. 12. *And be it further enacted*, That whenever the application of any foreigner for a patent shall be rejected and withdrawn for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two-thirds of the duty he shall have paid into the Treasury on account of such application.

Withdrawal fees  
to foreigners.

SEC. 13. *And be it further enacted*, That in all cases in which an oath is required by this act, or by the act to which this is additional, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

Affirmations.

SEC. 14. *And be it further enacted*, That all moneys paid into the Treasury of the United States for patents, and for fees for copies furnished by the Superintendent of the Patent office prior to the passage of the act of which this is additional, shall be carried to the credit of the Patent Fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided by said act, and all other expenses of the Patent Office, including all the expenditures provided for by this act; and, also, for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon such fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund. And it shall also be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating, under proper heads, the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period, together with such other information of the state and condition of the Patent Office as may be useful to Congress or to the public.

Creation of the  
patent fund from  
fees accruing in the  
office; these appro-  
priated to defray  
its expenses. An-  
nual statement to  
be made of condi-  
tion of office.

Approved March 3, 1837.

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A BILL in addition to "An act to promote the progress of the Useful Arts."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Assistant exam-  
iners.

SEC. 2. *And be it further enacted*, That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it: *Provided*, however, That instead of salary, a compensation shall be allowed, at

Temporary clerks.

a rate not greater than is charged for copies\* now furnished by the office.

Patent lists.

SEC. 3. *And be it further enacted*, That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office, and nine hundred copies to be deposited in the library of Congress, for such distribution as may hereafter be directed; and that one thousand dollars, if necessary, be appropriated, out of the Patent Fund, to defray the expense of the same.

Rent.

SEC. 4. *And be it further enacted*, That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the Patent Fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

Books.

SEC. 5. *And be it further enacted*, That the sum of one thousand dollars be appropriated from the Patent Fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

Previously pat-  
enting abroad.

SEC. 6. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the United States prior to the application for such patent: *And provided, also*, That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent.

Prior use of an  
invention does not  
invalidate title to  
patent.

SEC. 7. *And be it further enacted*, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

Assignments to  
be recorded free.

SEC. 8. *And be it further enacted*, That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyances, of the whole or any part of the interest or right under any patent, be, and the same is hereby, repealed; and all such assignments, grants, and conveyances shall, in future, be recorded without any charge whatever.†

Agricultural sta-  
tistics.

SEC. 9. *And be it further enacted*, That a sum of money, not exceeding one thousand dollars, be, and the same is hereby, appropriated out of the Patent Fund, to be expended by the Commis-

\* See section 4, page 8.

† See section 2, page 26.

sioner of Patents, in the collection of agricultural statistics, and for other agricultural purposes; for which the said commissioner shall account in his next annual report.

SEC. 10. *And be it further enacted*, That the provisions of the sixteenth section of the before-recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents, or by the Chief Justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Appeals from Commissioner or Chief Justice. Patentee to defray all expenses.

SEC. 11. *And be it further enacted*, That in cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act of which this is additional, the party, instead thereof, shall have right to appeal to the Chief Justice\* of the district court of the United States for the district of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the Patent Fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioners, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office may be examined, under oath, in explanation of the principles of the machine, or other thing for which a patent in such case is prayed for. And it shall be the duty of the said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: *Provided, however*, That no opinion or decision of the judge in any such case shall preclude any person interested in favor of or against the validity of any patent which has been, or may hereafter be, granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Proceedings to be had on appeals to the Chief Justice of the District of Columbia.

SEC. 12. *And be it further enacted*, That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as

Regulations for taking testimony in contesting a patent. Repeal of board of examiners.

\* See act approved 30th August, 1852.



may be just and reasonable. And so much of the act of which this is additional as provides for a board of examiners is hereby repealed.

Fees of Chief  
Justice.

SEC. 13. *And be it further enacted*, That there be paid annually out of the Patent Fund, to the said Chief Justice, in consideration of the duties herein imposed, the sum of one hundred dollars.\*

Approved March 3, 1839.

AN ACT in addition to an act to promote the progress of the Useful Arts, and to repeal all acts and parts of acts heretofore made for that purpose.

Fees paid into  
the Treasury by  
mistake.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Treasurer of the United States be, and he hereby is, authorized to pay back, out of the Patent Fund, any sum or sums of money, to any person who shall have paid the same into the Treasury, or to any receiver or depository to the credit of the Treasurer, as for fees accruing at the Patent Office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to the said Treasurer by the Commissioner of Patents.

Recording lost  
patents anew.

SEC. 2. *And be it further enacted*, That the third section of the act of March, eighteen hundred and thirty-seven, which authorizes the renewing of patents lost prior to the fifteenth of December, eighteen hundred and thirty-six, is extended to patents granted prior to the said fifteenth day of December, though they may have been lost subsequently: *Provided, however*, The same shall not have been recorded anew under the provisions of said act.

Ornamental de-  
signs, stamps, pain-  
tings, &c. Term of  
patent, and fees.

SEC. 3. *And be it further enacted*, That any citizen or citizens, or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas-relief, or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on any article of manufacture, or any new and original shape or configuration of any article of manufacture, not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent: *Provided*, That the fee in such cases, which by the now existing laws would be required of the par-

\* Repealed.—See section 3 of the act approved 30th August, 1852.

ticular applicant, shall be one half the sum, and that the duration of said patent shall be seven years; and that all the regulations and provisions which now apply to the obtaining or protection of patents, not inconsistent with the provisions of this act, shall apply to applications under this section.

SEC. 4. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not, for the time being, residing in the United States, before any minister plenipotentiary, chargé d'affaires, consul, or commercial agent holding commission under the government of the United States, or before any notary public of the foreign country in which such applicant may be. Who can take oaths when patentee resides abroad.

SEC. 5. *And be it further enacted*, That if any person or persons shall paint, or print, or mould, cast, carve, or engrave, or stamp upon anything made, used, or sold by him, for the sole making or selling which he hath not, or shall not have, obtained letters patent, the name, or any imitation of the name of any other person who hath, or shall have, obtained letters patent for the sole making and vending of such thing, without consent of such patentee, or his assigns or legal representatives; or if any person, upon any such thing not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having the license or consent of such patentee, or his assigns or legal representatives, shall write, paint, print, mould, cast, carve, engrave, stamp, or otherwise make or affix the word "patent," or the words "letters patent," or the word "patentee," or any word or words of like kind, meaning, or import, with the view or intent of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall affix the same, or any word, stamp, or device of like import, on any unpatented article, for the purpose of deceiving the public, he, she, or they, so offending, shall be liable for such offence to a penalty of not less than one hundred dollars, with costs, to be recovered by action in any of the circuit courts of the United States, or in any of the district courts of the United States having the powers and jurisdiction of a circuit court; one half of which penalty, as recovered, shall be paid to the Patent Fund, and the other half to any person who shall sue for the same. Penalty for affixing the word patent on goods without patentee's consent — or where there is no patent.

SEC. 6. *And be it further enacted*, That all patentees and assignees of patents hereafter granted are hereby required to stamp, engrave, or cause to be stamped or engraved, on each article vended or offered for sale, the date of the patent; and if any person or persons, patentees or assignees, shall neglect to do so, he, she, or they shall be liable to the same penalty; to be recovered and disposed of in the same manner specified in the foregoing fifth section of this act. Penalty for not stamping the patented goods.

Approved August 29, 1842.

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SECTION 15 of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safekeeping, transfer, and disbursement of the public revenue," approved August 6, 1846.

*And be it further enacted*, That all marshals, district attorneys, and others having public money to pay to the United States, and all

patentees wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, or to the treasurer of either of the mints in Philadelphia or New Orleans, to either of the other assistant treasurers, or to such other depository constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposit therefor.

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AN ACT to provide additional examiners in the Patent Office, and for other purposes.

To increase the number of principal and assistant examiners, and the amount of salary to each.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there shall be appointed, in the manner provided in the second section of the act entitled "An act to promote the progress of useful arts, and to repeal all acts or parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six, two principal examiners and two assistant examiners, in addition to the number of examiners now employed in the Patent Office; and that hereafter each of the principal examiners employed in the Patent Office shall receive an annual salary of twenty-five hundred dollars, and each of the assistant

Power to extend patents vested solely in the Commissioner of Patents.

Sixty days' notice must be given.

Fees for recording assignments.

Additional recording clerks appointed.

Documents to be

examiners an annual salary of fifteen hundred dollars: *Provided,* That the power to extend patents, now vested in the board composed of the Secretary of State, Commissioner of Patents, and Solicitor of the Treasury, by the eighteenth section of the act approved July fourth, eighteen hundred and thirty-six, respecting the Patent Office, shall hereafter be vested solely in the Commissioner of Patents; and when an application is made to him for the extension of a patent according to said eighteenth section, and sixty days' notice given thereof, he shall refer the case to the principal examiner having charge of the class of inventions to which said case belongs, who shall make a full report to said Commissioner of the said case, and particularly whether the invention or improvement secured in the patent was new and patentable when patented; and thereupon the said Commissioner shall grant or refuse the extension of said patent, upon the same principles and rules that have governed said board; but no patent shall be extended for a longer term than seven years.

SEC. 2. *And be it further enacted,* That hereafter the Commissioner of Patents shall require a fee of one dollar for recording any assignment, grant, or conveyance of the whole or any part of the interest in letters patent, or power of attorney, or license to make or use the thing patented, when such instrument shall not exceed three hundred words, the sum of two dollars when it shall exceed three hundred and shall not exceed one thousand words; and the sum of three dollars if it shall exceed one thousand words; which fees shall in all cases be paid in advance.

SEC. 3. *And be it further enacted,* That there shall be appointed, in manner aforesaid, two clerks, to be employed in copying and recording, and in other services in the Patent Office, who shall each be paid a salary of one thousand two hundred dollars per annum.

SEC. 4. *And be it further enacted,* That the Commissioner of



Patents is hereby authorized to send by mail, free of postage, the annual reports of the Patent Office, in the same manner in which he is empowered to send letters and packages relating to the business of the Patent Office. <sup>mailed free of postage.</sup>

Approved May 27, 1848.

SECTION 2 of the act entitled "An act to establish the Home Department, and to provide for the Treasury Department an Assistant Secretary of the Treasury and a Commissioner of the Customs," approved March 3, 1849.

*And be it further enacted,* That the Secretary of the Interior shall exercise and perform all the acts of supervision and appeal in regard to the office of Commissioner of Patents, now exercised by the Secretary of State; and the said Secretary of the Interior shall sign all requisitions for the advance or payment of money out of the Treasury, or estimates, or accounts, subject to the same adjustment or control now exercised on similar estimates or accounts by the First or Fifth Auditor and First Comptroller of the Treasury. <sup>Secretary of the Interior to have supervision over the Patent Office.</sup>

SECTION 2 of the act entitled "An act making appropriations for the civil and diplomatic expenses of government," &c., approved March 3, 1851.

*And be it further enacted,* That there shall be appointed and paid, in the manner now provided by law, two principal examiners and two assistant examiners of patents, in addition to the examining force now employed in the Patent Office. <sup>Increase of examiners.</sup>

AN ACT in addition to an act to promote the progress of the Useful Arts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That appeals provided for in the eleventh section of the act entitled "An act in addition to an act to promote the progress of the useful arts," approved March the third, eighteen hundred and thirty-nine, may also be made to either of the assistant judges of the circuit court of the District of Columbia; and all the powers, duties, and responsibilities imposed by the aforesaid act, and conferred upon the chief judge, are hereby imposed and conferred upon each of the said assistant judges.

SEC. 2. *And be it further enacted,* That in case appeal shall be made to the said chief judge, or to either of the said assistant judges, the Commissioner of Patents shall pay to such chief judge, or assistant judge, the sum of twenty-five dollars, required to be paid by the appellant into the Patent Office by the eleventh section of said act, on said appeal. <sup>To whom appeals may be made.</sup>

SEC. 3. *And be it further enacted,* That section thirteen of the aforesaid act, approved March the third, eighteen hundred and thirty-nine, is hereby repealed.

Approved August 30, 1852.



EXTRACTS from the act entitled "An act making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes," approved August 31, 1852.

For the collection of agricultural statistics and purchase of seeds, to be paid out of the Patent Fund, five thousand dollars.

For compensation of the librarian of the Patent Office, twelve hundred dollars, to be paid out of the Patent Fund.

For books of the library of the Patent Office, to be paid out of the Patent Fund, one thousand five hundred dollars.

For fitting up the library of the Patent Office, to be paid out of the Patent Fund, two thousand dollars.

For additional compensation to the disbursing clerk and draughtsman in the Patent Office, the sum of three hundred dollars each, to be paid out of the Patent Office Fund; and that hereafter the disbursing clerk shall be required to give bond, with approved security, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office.

For compensation of two additional permanent clerks in the Patent Office, to be appointed by the Commissioner of Patents, at a salary of fourteen hundred dollars each, the sum of twenty-eight hundred dollars, to be paid out of the Patent Office Fund.

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Section 3d of the general appropriation bill of 3d March, 1853, provides for eight clerks of the second class, twelve (including six assistant examiners) of the third class, and one of the fourth class; and also provides for an increase of the salary of the chief clerk to two thousand dollars.

Act of the 22d April, 1854, allows additional compensation to clerks, messenger, &c.

Section 1 of the deficiency bill of the 31st May, 1854, appropriates forty-five thousand dollars for furnishing the rooms of the new wing of the Patent Office building with furniture, and providing the saloon therein with cases for models.

The general appropriation bill of 4th August, 1854, appropriates two thousand nine hundred and eighty dollars to pay the keepers, &c., in the National Gallery, and one hundred dollars for contingent expenses. Also provides for reimbursing to the Patent Fund sixteen thousand dollars.

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EXTRACTS from the General Appropriation Bill of March 3, 1855.

SEC. 1. For the preservation of the collections of the Exploring Expedition.

For compensation of keepers, watchmen, and laborers, two thousand nine hundred and eighty dollars.

For contingent expenses, two hundred dollars.

SEC. 10. *And be it further enacted*, That there shall be appointed and paid, in the manner now provided by law, four principal examiners and four assistant examiners of patents, in addition to the examining force now authorized by law to be so employed in the Patent Office; and should the necessities of the public service, in the estimation of the Commissioner of Patents, require any additional examining force to that herein provided, previous to the next session of Congress, there may also be appointed and paid, in the manner now provided by law, in addition to the foregoing, not exceeding two principal and two assistant examiners, who shall not so continue to be employed subsequent to the expiration of said next session of Congress without further provision of law.

An increase in the number of examiners.

SEC. 20. For the reimbursement of the Patent Office Fund for moneys heretofore paid out of appropriations of acts of Congress for seeds and the collection of agricultural statistics, forty thousand and seventy-eight dollars and seventy-eight cents, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 25. *And be it further enacted*, That the first assistant examiners in the Patent Office shall be rated as of the fourth class of clerks, and the second assistant examiners, machinist, and librarian as of the third class.

U. S. PATENT OFFICE, *February 25, 1856.*

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#### DEFICIENCY BILL of May 15, 1856.

For the collection of agricultural statistics, investigations for promoting agricultural and rural economy, and the procurement and distribution of cuttings and seeds, to be expended under the direction of the Commissioner of Patents, thirty thousand dollars.

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AN ACT making appropriations for certain civil expenses, &c.—August 18, 1856.

SEC. 1. For the collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement and distribution of cuttings and seeds, seventy-five thousand dollars, to be expended under the direction of the Commissioner of Patents: *Provided*, That the Commissioner shall report to Congress the varies [various] kinds and amounts of said [seeds] purchased and to be purchased under this appropriation, from whom and where obtained, and the cost of the same.

\* \* \* \* \*

SEC. 9. *And be it further enacted*, That there shall be appointed and paid, in the manner now provided by law, two principal examiners and two assistant examiners, in addition to the examining force now authorized by law to be so employed in the Patent Office.

SEC. 10. *And be it further enacted*, That the Commissioner of Patents is hereby authorized to pay those employed in the United States Patent Office from April first, eighteen hundred and fifty-four, until April first, eighteen hundred and fifty-five, as examiners and

assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office Fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period.

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AN ACT making appropriations for the legislative, &c., expenses.—August 18, 1856.

For the preservation of the collections of the Exploring Expedition. For compensation of keepers and watchmen therefor, and for laborers employed at the rate of four hundred and eighty dollars per annum—per act fourth August, eighteen hundred and fifty-four—three thousand two hundred and ten dollars.

For contingent expenses, two hundred dollars.

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AN ACT making appropriations for certain civil expenses, &c.—March 3, 1857.

For drawings to illustrate the report of the Commissioner of Patents for the year 1857, six thousand dollars.

For flooring the basement rooms in the old portion of the Patent Office building to make them fit for business purposes, painting the interior of said building, repairing roof, and for other incidental repairs, eight thousand dollars.

For preparing the saloon of the west wing of the Patent Office for the reception of models for patents, and for fitting up and furnishing the same with suitable cases, fifty thousand dollars.

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AN ACT making appropriations for sundry civil expenses, &c.—June 12, 1858.

For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds, sixty thousand dollars: *Provided*, That it shall be the duty of the Commissioner of Patents to submit to the Secretary of the Interior, at the commencement of each session of Congress, the invoices of seeds and cuttings purchased with the money hereby appropriated; and, also, a statement of expenses in procuring seeds, cuttings, and information.

For drawings to illustrate the mechanical report of the Commissioner of Patents for the year eighteen hundred and fifty-eight, six thousand dollars.

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AN ACT providing for keeping and distributing all public documents.—February 5, 1859.

\* \* \* \* \*

Department of the Interior charged with the laws SEC. 8. *And be it further enacted*, That all books, maps, charts, and other publications of every nature whatever heretofore deposited

in the Department of State according to the laws regulating copy-<sup>regulating</sup> rights, together with all the records of the Department of State in<sup>rights.</sup> regard to the same, shall be removed to, and be under the control of, the Department of the Interior, which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications, of every nature whatever, shall, under present laws and regulations, be left with and kept by him.

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AN ACT making appropriations for the legislative, &c., expenses.—March 3, 1859.

\* \* \* \* \*

SEC. 4. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, directed to cause the annual report of the Commissioner of Patents on mechanics, hereafter to be made to the Senate and House of Representatives, to be prepared and submitted in such manner as that the plates and drawings necessary to illustrate each subject shall be inserted so as to comprise the entire report in one volume not to exceed eight hundred pages.

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AN ACT making appropriations for sundry civil expenses, &c.—March 3, 1859.

For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds, forty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended in defraying the expenses of any body of men or delegates assembled in Washington or elsewhere as an agricultural congress, or advisory board on agriculture, convened under the orders or by authority of the Secretary of the Interior, or any other person under any name or for any pretended object whatever.

For making cases and fitting up rooms in the Patent Office building to receive copyright books, charts, and other copyright matter, and for transferring, arranging, and taking care of the same, thirty-six hundred dollars.

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AN ACT making appropriations for sundry civil expenses, &c.—June 25, 1860.

SEC. 1. For drawings to illustrate the report of the Commissioner of Patents for the year eighteen hundred and sixty, six thousand dollars.

For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds, sixty thousand dollars: *Provided, however*, That in the expenditure of this appropriation, and, especially, in the selection of cuttings and seeds for distribution, due regard shall be had to the purposes of general cultivation, and the encouragement of the agri-



cultural and rural interests of all parts of the United States: *Provided*, That no part of this amount shall be expended as a commission, exchange, gift, dividend, or loan, or as compensation for extra services to any clerk, messenger, watchman, or other person already receiving a salary or wages under the government of the United States, nor to any partner, employee, or member of the family of any such clerk, messenger, watchman, or other person so employed by the United States as aforesaid; and should the provisions of this section be violated, or any such employee of the United States be detected or be known to sell, exchange, or otherwise dispose of any cutting, seed, or other property arising from this or any previous agricultural appropriation by Congress, every such clerk, messenger, watchman, or other person receiving a salary or wages, as aforesaid, shall be dismissed from office.

For expenses of receiving, arranging, and taking care of copyright books, charts, and other copyright matter, one thousand four hundred dollars.

\* \* \* \* \*

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is hereby authorized to pay those employed in the Patent Office from April first, eighteen hundred and fifty-five, until April first, eighteen hundred and sixty, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades: *Provided*, That the same be paid out of the Patent Office Fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period.

SEPTEMBER 6, 1850.

RULES AND DIRECTIONS

FOR

Proceedings

IN

THE PATENT OFFICE.





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## RULES AND DIRECTIONS

FOR

### PROCEEDINGS IN THE PATENT OFFICE.

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The following information and regulations are mainly intended for the benefit of persons having business with the Patent Office. They are designed to be in strict accordance with the acts of Congress applicable to the subject; which acts are printed in pamphlet form, and will be forwarded by the office to any one who may desire them.

#### Who Entitled to a Patent.

1. Any person, whether citizen or alien, may obtain a patent for any invention or improvement made by him, and not before known. For greater particularity, see act of 1836, sections 6 and 7; act of 1842, section 3.

2. The assignee of any invention may have the patent issue to him directly, (act of 1837, section 6;) but this is held to apply only to assignees of entire interests; so that, although when the inventor assigns his *entire* interest to two or more, a patent will issue to them jointly, still if he yet retains a portion in himself, a joint patent will not be issued to him and them.

3. In case of the death of the inventor, the patent will issue to his legal representatives. (Act of 1836, section 10.)

4. Joint inventors are entitled to a joint patent; but neither can claim one separately.

#### What will Prevent the Granting of a Patent.

5. Even although the applicant has in good faith actually made an invention, a patent therefor will not be granted him if the whole or any part of *what he claims* as new had before been patented, or described in any printed publication, in this or any foreign country, or even if it had before been invented or discovered *in this country*, (act of 1836, section 7;) or if he has once abandoned his invention to the public; or if, with his consent and allowance, it has been for more than two years in public use or on sale. (Act of 1836, section 6; act of 1839, section 7.)

6. The mere fact of prior invention or discovery abroad will not prevent the issue of the patent, unless the invention had been there patented, or described in some printed publication. (Act of 1836, section 7; also act of 1836, section 15.)

7. Merely conceiving the idea of an improvement or machine in this country, is not such an "invention" or "discovery" as is above contemplated. The invention must have been reduced to a practical form, either by the construction of the machine itself, or of a model thereof, or at least by making a full drawing of it, or in some other manner equally descrip-

tive of its exact character, so that a mechanic would be enabled, from the description given, to construct a model thereof, before it will prevent a subsequent inventor from obtaining a patent. (See *Hildreth vs. Heath*, and *Perry vs. Cornell*, decided by Judge Cranch on an appeal from the Commissioner.)

### Mode of Proceeding to Obtain a Patent.

8. The application must be made by the actual inventor, if alive, (act of 1836, section 6,) even although the patent is to issue to the assignee, (act of 1837, section 6;) but where the inventor is dead, the application and oath may be made by the executor or administrator. (Act of 1836, section 10.)

9. The application must be in writing, signed by the applicant, and addressed to the Commissioner of Patents.

The following is the usual form, to be varied according to circumstances :

#### *Petition.*

TO THE COMMISSIONER OF PATENTS :

The petition of John Fitch of Philadelphia, in the county of Philadelphia,  
and State of Pennsylvania,

RESPECTFULLY REPRESENTS :

That your petitioner has invented a new and improved mode of preventing steam-boilers from bursting, which he verily believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid thirty dollars into the treasury, and complied with the other provisions of the said act.

JOHN FITCH.

10. The applicant must set forth in his specification the precise invention for which he claims a patent.

If claimed as mere improvement on another invention, that fact should be clearly stated; and if claimed as substantially differing from another invention with which it appears to be coincident, the difference must be clearly pointed out.

11. Two or more separate machines will not be allowed to be the subject of one patent, unless connected in their design and operation.

12. The specification must be signed by the inventor, (or by his executor or administrator if the inventor be dead.) It should describe the sections of the drawings, (where there are drawings,) and refer by letters and figures to the different parts. The substantial requisites of the specification are set forth in the act of Congress, 1836, section 6. The following may be taken as a specimen of the proper form :

#### *Specification.*

TO ALL WHOM IT MAY CONCERN :

Be it known that I, John Fitch, of Philadelphia, in the county of Philadelphia, in the State of Pennsylvania, have invented a new and im-



proved mode of preventing steam-boilers from bursting; and I do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawings, and to the letters of reference marked thereon:

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug or disk of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation. I construct my steam-boiler in any of the known forms, and apply thereto gauge-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. This fusible metal I, in general, compose of a mixture of lead, tin, and bismuth, in such proportions as will insure its melting at a given temperature, which must be that to which it is intended to limit the steam; and will, of course, vary with the pressure the boiler is intended to sustain.

I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam in such a boiler rises to its assigned limit, the fusible alloy will melt, and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein described, using for that purpose the aforesaid metallic compound, or any other substantially the same, and which will produce the intended effect.

JOHN FITCH.

Witnesses—

ROBERT FULTON,  
OLIVER EVANS.

When the application is for a machine, the specification should commence thus:

Be it known that I, ———, of ———, in the county of ——— and State of ———, have invented a new and useful machine for [stating the use and title of the machine; and if the application is for an improvement, it should read thus: a new and useful improvement on a, or on the, machine, &c.]—and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same; reference being had to the annexed drawings, making a part of this specification, in which figure 1 is a perspective view; figure 2 a longitudinal elevation; figure 3 a transverse section, &c.; [thus describing all the sections of the drawings, and then referring to the parts by letters. Then follows the description of the construction and operation of the machine; and lastly the claim, which should express the nature and character of the invention, and identify the parts claimed separately or in combination. If the speci-

fication is for an improvement, the original invention should be disclaimed, and the claim confined to the improvement.]

13. The specification and drawings must be signed by the inventor and attested by two witnesses. (Act of 1836, section 6.)

14. The applicant must then make oath or affirmation as required by the act of 1836, section 6, which must be substantially as follows :

*Oath.*

CITY AND COUNTY OF PHILADELPHIA, }  
State of Pennsylvania, } ss.

On this ——— day of ———, 186 , before me, the subscriber, a ———, personally appeared the within named John Fitch, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting; and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States.

(Signed)

A B,  
*Justice of the Peace.*

In the case of an alien who has taken the requisite steps to become naturalized, the following form should be adopted :

CITY AND COUNTY OF PHILADELPHIA, }  
State of Pennsylvania, } ss.

On this ——— day of ———, 186 , before me the subscriber, a ———, personally appeared the within named John Fitch, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting; and that he does not know or believe the same was ever before known or used; and that he is a native of the kingdom of Great Britain; that he has resided within the United States for the whole of the past year, and has taken the oath prescribed by law for becoming naturalized in this country.

(Signed)

A B,  
*Justice of the Peace.*

15. If the applicant is an alien not residing in the United States, or if he has not taken the necessary steps to become naturalized, the oath must be modified accordingly. (See act of 1836, section 9.)

16. The oath may be taken before any person authorized by law to administer oaths.

17. When the oath is taken in a foreign country, the oath may be taken before any minister plenipotentiary, chargé d'affaires, consul, or commercial agent, holding commission under the government of the United States, or before any notary public of the country in which the oath is taken, being attested in all cases by the proper official seal. (See act of 1842, section 4.)

18. The drawings required by law (see act of 1836, section 6) should generally be in perspective. Such parts as cannot be shown in perspective must, if described, be represented in plans, sections, or details.

19. Duplicate drawings should be sent to the office in the first instance. They should be neatly executed on sheets separate from the other papers

—from eighteen to nineteen inches from top to bottom, and not less than thirteen across, nor more than twenty-five, unless more space is necessary to exhibit the device or machine with clearness. One of these drawings, which is to be kept in the office for reference, should be on stiff drawing paper. The other, which is to be attached to the patent, should have a margin of one inch at least for that purpose on the right-hand side, and should be on some material that will bear folding and transportation. Each part should be distinguished by the same number or letter, wherever that part is delineated in the drawings, and should be referred to in the specification by such letter or number. These drawings should be signed by the applicant, and attested by two witnesses.

20. The model must be neatly and substantially made, of durable material, and not more than one foot in length or height, except when a larger model is permitted by the office for special reasons to be shown by the applicant. Models filed as exhibits, in interference and other cases, should also as far as practicable conform to this rule as to size. Should they exceed this limit, they will not be preserved in the office after the termination of the case to which they belong. If made of pine or other soft wood, they should be painted, stained, or varnished.

A working model is always desirable, in order to enable the office fully and readily to understand the precise operation of the machine. The name of the inventor, and also of the assignee, (if assigned,) must be fixed upon it in a permanent manner.

21. When the invention is of a composition of matter, a specimen of the ingredients and of the composition, which the law requires, must accompany the application, (see act of 1836, section 6,) and the name of the inventor, and assignee (if there be one), must be permanently affixed thereto.

22. Models or specimens forwarded without a name are liable to be lost or mislaid, as they cannot be entered upon the record. In sending models to the Patent Office by express, or any ordinary mode of transportation, the expenses must be prepaid by the sender.

23. No application can be examined, nor can the case be placed upon the files for examination, until the fee is paid, the model or specimen deposited, and the specification, with the petition, oath, and drawings, (when required,) filed.

### The Importance of the Specification.

Too much importance cannot be attached, by an applicant for a patent, to the manner in which the specification and drawings are prepared, as upon these will depend the *legal* value of the patent. Many inventors suppose that by taking the forms of specification, petition, and oath here prescribed by the Patent Office, they will have no trouble in getting an official decision upon their applications. This is an erroneous impression, and has led many applicants into great trouble and expense, much more than they would have incurred if they had employed, at the outset, a competent and experienced patent solicitor. This matter is so very important, that Curtis, in his celebrated Treatise on the Law of Patents, devotes eighty-one pages to its consideration.

The specification must describe in full, clear, and exact terms the nature

and operation of the invention; and the claim on which the patent will be founded, when granted, must be very carefully drawn. While it is easy, comparatively, to prepare drawings for a patent, the specification should never be undertaken except by one who thoroughly understands the business.

MESSRS. MUNN & Co., the Editors and Proprietors of the *Scientific American*, have had upwards of sixteen years' experience in the business of preparing specifications and drawings, and are thoroughly conversant with all the scientific and legal qualifications necessary.

### Of the Examination.

25. All the cases in the Patent Office are arranged in classes, which are taken up for examination in regular rotation.

Those in the same class are examined and disposed of, as far as practicable, in the order in which the respective applications are completed. When, however, the applicant has a foreign patent for his invention, or when such invention is deemed of peculiar importance to some branch of the public service, and when, for that reason, the head of some department of the government specially requests immediate action, the case will be taken up out of its order. These, with applications for additional improvements and reissues, are the only exceptions to the rule above stated in relation to the order of examination.

26. A specification cannot be amended in any material part unless there is something to amend by—that is to say, can only be so amended to cause it to correspond with the drawing or model. A similar rule is enforced in regard to amendments of the drawing or model. And where any substantial change is made by describing or representing in the specification a new invention, not included as a portion of that originally described in the specification, a second affidavit must be made to the specification as amended, and the signatures of witnesses will also be required anew.

27. When the change thus made is very considerable, the case may be placed at the foot of the list, to await its turn anew in the order of examination.

28. After a case has been examined and the claim allowed, no alteration will be permitted in the character of the invention without a withdrawal of the case and the filing of a new application, or (if the patent be granted) an application for a reissue, or for an additional improvement, as the case may require.

29. The personal attendance of the applicant at the Patent Office is unnecessary. The business can be done by correspondence or by attorney. All correspondence must be addressed to the Commissioner. For remarks on this subject, see page 68.

30. When an application has been finally decided, the Office will retain the original papers, furnishing the applicant copies, if he desires them, at the usual expense.

31. If the patent is granted, it will be transmitted to the patentee or to his agent, in case he has a full power of attorney authorizing him to receive it.



### Of Withdrawals.

32. If, when an application is rejected, the applicant relinquishes his claim, in pursuance of the 7th section of the act of 1836, and the 12th section of the act of 1837, he must notify the Commissioner of the fact of such withdrawal, sending at the same time his receipt for two-thirds of the fee paid by him, which will be thereupon returned. The model and papers will be retained by the office. The applicant may, however, have the duplicate drawing if he desires it.

33. The applicant in such cases will be entitled to receive back from the office two-thirds of the fee paid by him at the time of making his application. But this right of withdrawal does not extend to applications for a design, or for a reissue or additional improvement.

34. In withdrawing an application, the following forms may be followed :

TO THE COMMISSIONER OF PATENTS :

SIR : I hereby withdraw my application for a patent for improvements in the cotten-gin, now in your office, and request that twenty dollars may be returned to me, by mail, agreeably to the provision of the act of Congress authorizing such withdrawal.

ELI WHITNEY.

CABOTSVILLE, MASS., *February* 16, 1856.

Received of the Treasurer of the United States, per Charles Mason, Commissioner of Patents, twenty dollars, being the amount refunded on withdrawing my application for a patent for improvements in the cotton-gin.

ELI WHITNEY.

CABOTSVILLE, MASS., *February* 16, 1856.

35. Particular instructions should be given by the person withdrawing money from the office as to the manner in which the money shall be paid—whether to his order at this office, or remitted by mail.

### Retaining Patents in the Secret Archives.

36. No application upon which a patent has been ordered to issue shall be retained in the secret archives of the office more than six months from the day on which the patent was ordered to issue. The request to have the application placed in the secret archives shall in all cases be made by the patentee, or the assignee of all the interest therein, in writing, and filed with the chief clerk, before the patent shall be recorded.

### Rejections and Appeals.

37. After a case has been once rejected, the applicant may have a second examination, by renewing his oath, either with or without an alteration of his specification. (Act of 1836, section 7.) But such alteration must be in accordance with article 26 of these rules. After thus applying for a second examination, no withdrawal will be allowed.

38. After a second rejection, the applicant may bring the case before the Commissioner in person, and, if still dissatisfied, may appeal to one of the judges of the circuit court of the District of Columbia. (See article 105 of these rules; also act of 1839, section 11, and 1852, section 1.)

39. The mode of appeal is by giving notice thereof to the Commissioner; filing in the patent office, within such time as the Commissioner shall appoint, his reasons of appeal; and paying to him the sum of twenty-five dollars. (Act of 1839, section 11.) Blanks for the notice of appeal, the reasons of appeal, the petition, and copies of the appellate judge's rules, will be forwarded on request. For special information concerning Rejections and Appeals, see pages 66 and 70.

### Of Interferences.

40. When each of two or more persons claims to be the first inventor of the same thing, an "interference is declared between them, and a trial is had before the Commissioner. Nor does the fact that one of the parties has already obtained a patent prevent such an interference; for although the Commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place them on an equal footing before the courts and the public. (Act of 1836, section 8.)

41. Upon the declaration of an interference, a day will be fixed for closing the testimony, and a further day fixed for the hearing of the cause. Previous to this latter day, the arguments of counsel must be filed, if at all.

42. If either party wishes a postponement of either the day for closing the testimony or the day of hearing, he must, before the day he thus seeks to postpone is past, show by affidavit a sufficient reason for such postponement. For special information concerning Interferences, see page 69.

### Of Reissues, and Additional Improvements.

43. A reissue is granted to the original patentee, his heirs, or assigns, when by reason of an insufficient or defective specification the patent is invalid, provided the error has arisen from inadvertency, accident, or mistake, without any fraudulent or deceptive intention. (Act of 1836, section 13.)

44. The general rule is, that whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the original patent, may be the subject of a reissue.

45. A modification of a patent so as to include an additional improvement is allowed in favor of the original patentee only, and may embrace any improvement made by him *subsequent to the issuing of the patent*, but none other. (Act of 1836, section 13.)

46. In each of the above cases the modified patent expires at the same time as the original patent would have done. For this reason such applications will be acted upon immediately after they are completed.

47. Where a reissue is granted, the applicant may, at his option, have separate patents issued for the several distinct parts of the thing patented, by paying the requisite additional fees, and complying with the other requirements of the law as in original applications. (Act of 1837, section 5.)

48. In all cases for applications for reissues and for additional improvements, the original claim is subject to reexamination, and may be revised and restricted in the same manner as in original applications. (Act 1837, section 8.)

49. But in all such cases, after the action of the Patent Office has been made known to the applicant, if he prefers the patent originally granted to that which will be allowed by the decision of the office, he has the privilege of abandoning the latter, and retaining the old patent.

50. The following are appropriate forms of application for reissues and for additional improvements:

*Surrender of a patent for reissue.*

TO THE COMMISSIONER OF PATENTS:

The petition of Samuel Morey, of Philadelphia, in the county of Philadelphia, and State of Pennsylvania,

RESPECTFULLY REPRESENTS:

That he did obtain letters patent of the United States for an improvement in the boilers of steam-engines, which letters patent are dated on the first day of March, 1850; that he now believes that the same is inoperative and invalid by reason of a defective specification, which defect has arisen from inadvertence and mistake. He therefore prays that he may be allowed to surrender the same, and requests that new letters patent may issue to him, for the same invention, for the residue of the period for which the original patent was granted under the amended specification herewith presented, he having paid fifteen dollars into the treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

*Form of oath to be appended to applications for reissues.*

CITY AND COUNTY OF PHILADELPHIA, }  
State of Pennsylvania, } ss.

On this — day of —, 186 —, before the subscriber, a —, personally appeared the above-named Samuel Morey, and made solemn oath (or affirmation) that he verily believes that, by reason of an insufficient or defective specification, his aforesaid patent is not fully valid and available to him; and that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of his knowledge or belief.

(Signed)

*Addition of new improvements.*

TO THE COMMISSIONER OF PATENTS:

The petition of James Rumsey, of the county of Berkley and State of Virginia,

RESPECTFULLY REPRESENTS:

That your petitioner did obtain letters patent of the United States for an improvement in the boilers of steam-engines, which letters patent are dated on the first day of March, 1850; that he has since that date made certain improvements on his said invention; and that he is desirous of adding the subjoined description of his said improvements to his original letters patent, agreeably to the provisions of the act of Congress in that case made and provided, he having paid fifteen dollars into the treasury of the United States, and otherwise complied with the requirements of the said act.

JAMES RUMSEY.

A specification and claim should then follow substantially as in case of an original application. The oath must also be the same, except that he need not swear to citizenship, but instead thereof should state as follows: "And that said improvement was made by him subsequent to the date of his aforesaid patent."

It is very important, whenever applications are made for Reissues, that the papers relating to the same should be carefully prepared by a competent person, otherwise the patentee will fail to obtain what is important to be secured by a Reissue.

MESSRS. MUNN & Co. give special attention to the preparation of all papers for Reissues and Additional Improvements.

### Of Disclaimers.

51. Where by inadvertence, accident, or mistake, the original patent is too broad, a disclaimer may be filed either by the original patentee or by his assignees. (Act of 1837, section 7.)

By the English law, as well as by the act of 1836, (section 15,) if the patent were too broad, it was wholly invalid. The case is now different here, but still the necessity of a disclaimer is manifest. (See act of 1837, section 9.)

52. The following is a sufficient form for a disclaimer:

TO THE COMMISSIONER OF PATENTS:

The petition of Sebastian Cabot, of Cabotsville, in the county of Hampden and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he has, by assignment, duly recorded in the Patent Office, become the owner of a right for the several States of Massachusetts, Connecticut, and Rhode Island, to certain improvements in the steam-engine, for which letters patent of the United States were granted to John Doe of Boston, in the State of Massachusetts, dated on the first day of March, 1850; that he has reason to believe that, through inadvertence and mistake, the claim made in the specification of said letters patent is too broad, including that of which the said patentee was not the first inventor. Your petitioner therefore hereby enters his disclaimer to that part of the claim in the aforementioned specification which is in the following words, to wit: "I also claim the particular manner in which the piston of the above described engine is constructed so as to insure close fitting of the packing thereof to the cylinder, as set forth;" which disclaimer is to operate to the extent of the interest in said letters patent vested in your petitioner, who has paid ten dollars into the treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

SEBASTIAN CABOT.

When the disclaimer is made by the original patentee, it must, of course, be so worded as to express that fact.

### Of Extensions.

53. The power of extending a patent for seven years from the day on which it would expire, is now vested in the Commissioner of Patents. (Act of 1836, section 18, and act of 1848, section 1.)



54. The applicant for an extension should file his petition and pay in the requisite fee at least three months prior to the expiration of his patent, to give time for the sixty days' notice required to be given, and to allow a sufficient time to the Commissioner to examine the case fully after the expiration of those sixty days, and previous to the day on which the patent is to expire. There is no power in the Patent Office to renew a patent after it has once expired. (Act of 1836, section 18, 1848, section 1.)

55. The questions which arise on each application for an extension are:

1. Is the invention *novel*?
2. Is it *useful*?
3. Is it *valuable and important* to the public?
4. Has the inventor been *adequately remunerated* for his time and expense in originating and perfecting it?
5. Has he used due diligence in introducing his invention into general use?

The two first questions will be determined upon the result of an examination in the Patent office; as will also the third to some extent.

To enable the Commissioner to come to a correct conclusion in regard to the third point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention; which testimony should be taken under oath.

In regard to the fourth and fifth points of inquiry, in addition to his own oath showing his receipts and expenditures on account of the invention—by which its value is to be ascertained—the applicant should show, by the testimony of disinterested witnesses on oath, that he has taken all reasonable measures to introduce his invention into general use, and that, without fault or neglect on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction thereof into use.

The report of the examiner upon the novelty and utility of the invention will be ready five days before the day appointed for the hearing, which will be open for inspection at the Patent Office; copies of which will be furnished to all parties interested, if desired, on payment of the usual fees for copies.

In case of opposition by any person to the extension of a patent, both parties may take testimony—each giving reasonable notice to the other of the time and place of taking said testimony; which shall be taken according to the rules prescribed by the Commissioner of Patents in cases of interference.

All arguments submitted must be in writing.

In conclusion, it may be remarked generally, that a monopoly of his invention is secured by law to the inventor for the term of fourteen years. This is done with a view to compensate him for his time and expense in originating and perfecting it. At the end of the time for which his patent runs his monopoly should cease, and the invention become public property, unless he can show good reason to the contrary. The presumption is always against his application; and if he cannot show that his invention is novel, useful, and valuable, and important to the public, and that, having made all reasonable effort to introduce it into general use, he has not been adequately remunerated for his time and expenses in discovering and perfecting it, the Commissioner cannot grant an extension.

The applicant for an extension must furnish to the office a statement in

writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures. This statement should be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished. (Act of 1836, section 18 ; 1848, section 1.)

This statement must be filed within thirty days after filing his petition, as contemplated in the preceding section.

Any person opposing the extension of a patent must file his reasons in the Patent Office at least twenty days before the day of hearing, as set forth in the notices published. He may also, at any time after the application for an extension has been made, give notice to the applicant of his intention to oppose the said extension. After this notice, he will be regarded as a party in the case, and be entitled to notice of the time and place of taking testimony, as well as to a list of the names and residences of witnesses whose testimony may have been previously taken.

The person opposing the extension will be entitled to a copy of the application, and any other papers on file, upon paying the costs of copying.

In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition for the extension.

The notice of an application for an extension will fix a day for the closing of the testimony, and also a day for the hearing. The depositions and other papers relied upon as testimony must be filed in the office on or before the morning of the day next after that fixed for the testimony; and the arguments (if any) must be filed within ten days thereafter, unless some other time be fixed by the office.

Applications for a postponement of the hearing must be made and supported according to the same rules as are to be observed in the case of interferences. But they will not be granted in such a manner as to cause a risk of preventing a decision in season.

### Remarks on the Extension of Patents.

Hundreds of valuable patents are annually expiring which might readily be extended, and if extended, might prove the source of wealth to their fortunate possessors.

We are persuaded that very many patents are suffered to expire without any effort at extension, owing to the ignorance of the patentees, their relatives or assigns, as to the current law and the mode of procedure in order to obtain a renewed grant.

The statute of 1836 provides that, when an inventor has failed to receive a sufficient reward for his invention, during the existence of the original patent, he may apply to the Commissioner for an extension of the term; and the Commissioner, on the presentation of proper proofs touching the amounts received by the applicant, the value of the invention, &c., is empowered to extend the patent for seven years, so that it will run for a period of *twenty-one years* from its original date. Some of the most valuable grants now existing are *extended patents*.

All the documents connected with extensions require to be carefully drawn up and attended to, as any failure, discrepancy, or untruth in the

proceedings or papers is liable to defeat the application. Applicants for extensions should always place the management of their cases, from first to last, in the hands of faithful and experienced patent attorneys. Ordinary lawyers or agents, who have had no experience in extension cases, should never undertake them.

The Government fee in extension cases is \$40. To this must be added the charges of the attorney who conducts the case, which should be agreed upon beforehand.

In case of the decease of the inventor, his administrator may apply for and receive the extension; but no extension can be applied for or granted to an assignee of an inventor.

Patentees, or, if deceased, their heirs, may apply for the extension of patents, but should give ninety days' notice of their intention.

The inventor or his heirs may arrange to sell the extended term of the patent before the grant thereof, and the purchaser will enjoy the same when issued.

Patents may be extended, and preliminary advice obtained, by consulting or writing to Messrs. MUNN & Co.

### Of Designs.

56. In making an application to patent a design, the same course is to be pursued as in case of an application for patenting a machine.

57. No patent for a design can be obtained by an alien, unless he has resided one year within the United States, and taken an oath of his intention to become a citizen thereof. (Act of 1842, section 3.)

58. The following, or other equivalent, forms are proper to be observed in the applications of this nature:

#### *Form of application for patents for designs.*

TO THE COMMISSIONER OF PATENTS:

The Petition of Benjamin West, of the city and county of Philadelphia  
and State of Pennsylvania,

RESPECTFULLY REPRESENTS:

That your petitioner has invented or produced [a new and original design for a composition in alto-relievo] which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided, he having paid fifteen dollars into the treasury, and complied with the other provisions of the said act.

BENJAMIN WEST.

#### *Form of specification.*

TO ALL WHOM IT MAY CONCERN:

Be it known, that I, Benjamin West, of the city of Philadelphia, in the county of Philadelphia and State of Pennsylvania, have invented or produced a new and original design for a composition in alto-relievo, and I

do hereby declare that the following is a full and exact description of the same :

[Here follows a description of the design, with reference to the specimen or drawing, the specification to conclude with declaring what the inventor claims, in terms characteristic of the design, &c.]

BENJAMIN WEST.

Witnesses—

NOAH WEBSTER,

NATHANIEL BOWDITCH.

*Form of Oath.*

CITY AND COUNTY OF PHILADELPHIA, } ss.  
*State of Pennsylvania,*

On this ——— day of ———, 186 —, before the subscriber, a ———, personally appeared the within named Benjamin West, and made solemn oath (or affirmation, as the case may be) that he verily believes himself to be the original and first inventor or producer of the design for a composition in alto-relievo, and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the United States.

All business relating to designs is carefully transacted by Messrs. MUNN & Co.

### Of Foreign Patents.

59. The taking out of a patent in a foreign country does not prejudice a patent previously obtained here; nor does it prevent obtaining a patent here subsequently.

When the patent is applied for here after being obtained abroad, it will extend only fourteen years from the date of the foreign patent. For this reason such cases will be acted upon out of their order, and as soon as the application is completed. (Act of 1839, section 6.)

60. Where an applicant seeks to make his a preferred case, in consequence of his having obtained a foreign patent, he should (temporarily) file in the office the patent so obtained, with the specifications (provisional or complete) attached, or a sworn copy of those. But where such papers or copies cannot be conveniently furnished, it will be sufficient if the reasons of such inability be set forth by affidavit, and also the fact that a foreign patent has actually been obtained, giving its date, and showing clearly that the invention so patented covers the whole ground of his present application.

For many years past Messrs. MUNN & Co. have given a great deal of attention to the subject of Foreign Patents, and are probably more largely concerned in their procuration than any other Patent Solicitors in the United States. For instructions how to secure European Patents, together with a synopsis of the Patent Laws of various foreign countries, see page 73.

### Of Patents Obtained by Aliens.

61. If an alien neglects to put his invention on public sale within eighteen months after the patent is granted, and to continue it on sale to the public on reasonable terms, his patent will cease to protect him. (Act of 1836, section 15.)



### Of Caveats.

62. Any citizen, or an alien who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office. And if at any time within one year thereafter another person applies for a patent for the same invention, the caveator will be entitled to notice to complete his specification, and to go into interference with the applicant for the purpose of proving priority of invention, and obtaining the patent if that fact be proved. (Act of 1836, section 12.)

63. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat. But he may renew his caveat at the end of one year, by paying a second caveat fee, which will continue it in full force for one year longer, and so on from year to year as long as the caveator desires.

No caveat can be filed in the secret archives of the office unless accompanied by an oath of the caveator that he is a citizen of the United States, or that he is an alien and has resided for one year last past within the United States, and has made oath of his intention to become a citizen thereof; nor unless the applicant also states, under oath, that he believes himself the original inventor of the art, machine, or improvement set forth in his caveat.

64. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is filed.

65. Caveat papers cannot be withdrawn from the office nor undergo alteration after they have once been filed; but additional papers relative to the invention may be appended to the caveat, (their date being noted,) provided they are merely amendatory of the original caveat.

66. In the case of filing papers supplementary to an original caveat the right to notice in regard to the subject of those papers expires with the caveat; and any additional papers not relating to the invention first caveated will receive no notice.

67. The caveator, or any other person properly authorized by him, can at any time obtain copies of the caveat papers at the usual rates.

68. It is desirable that the caveat should be accompanied by drawings or sketches, and even by a model if convenient.

69. The following will give a general idea of the proper form of a caveat:

TO THE COMMISSIONER OF PATENTS:

The petition of Sebastian Cabot, of Cabotsville, in the county of Hampden and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he has made certain improvements in the mode of constructing the boilers for steam-engines, and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to his applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the Patent Office, agreeably to the provisions of the act of Congress in that case made and provided; he having paid twenty dollars

into the treasury of the United States, and otherwise complied with the requirements of the said act.

SEBASTIAN CABOT.

CABOTSVILLE, *March 1, 1856.*

Here should follow a description of the general principles of the invention, so far as it has been completed.

### Remarks on Caveats.

It is very important that great care should be observed in the preparation of caveat papers, as otherwise they may entirely fail of their object. The government fee on filing a caveat is \$20, which sum applies when application is made for a patent on the invention described in the caveat.

Messrs. Munn & Co. attend to the preparation of caveat papers. They only require a sketch and description, to enable them to prepare the papers, no model being necessary.

### Penalties for Certain Acts.

70. Patentees or their assignees are required to affix the date of the patent on each article vended or offered for sale, under a penalty of not less than one hundred dollars. (Act of 1842, section 6.)

71. Stamping or affixing the name of any patentee on any article without authority to do so, or affixing the word "patent" or "letters patent," or the stamp, mark, or device of any patentee on any unpatented article, is forbidden under a like penalty. (Act of 1842, section 5.)

### Of the Payment of Money.

72. Money paid by actual mistake will be refunded (act of 1842, section 1;) but a mere change of purpose after the payment of money will not enable the person to obtain his money and withdraw his papers.

### Of Assignments.

73. An inventor can assign his entire right before a patent is obtained, so as to enable the assignee to take out a patent in his own name, (see section 2d of these Instructions;) but the assignment must first be recorded and the specifications sworn to by the inventor. (Act of 1837, section 6.)

In the case of an assignment by a foreigner, the same fee will be required as if the patent issued to the inventor.

74. A patent is obtained, the patentee may assign the right to make or use the thing patented in any specified portion of the United States, (act of 1836, section 11;) but no such assignment to specified portions of the United States, made prior to obtaining the patent, will enable the assignees to take out the patent in their own names.

75. Every assignment should be recorded within three months from its date; but if recorded after that time, it will protect the assignee against any one purchasing after the assignment is placed on record.

76. When the patent is to issue in the name of the assignee, the entire correspondence should be in his name.

77. The receipt of assignments is not generally acknowledged by the office. They will be recorded in their turn within a few days after their reception, and then transmitted to persons entitled to them.

78. Form of assignment of the entire interest in letters patent before obtaining the same, and to be recorded preparatory thereto :

Whereas I, Jethro Wood, of Scipio, in the county of Cayuga and State of New York, have invented certain new and useful improvements in ploughs, for which I am about to make application for letters patent of the United States; and whereas David Peacock, of Burlington, New Jersey, has agreed to purchase from me all the right, title, and interest which I have, or may have, in and to the said invention in consequence of the grant of letters patent therefor, and has paid to me, the said Wood, the sum of five thousand dollars, the receipt of which is hereby acknowledged: Now this indenture witnesseth, that for and in consideration of the said sum to me paid, I have assigned and transferred, and do hereby assign and transfer, to the said David Peacock, the full and exclusive right to all the improvements made by me, as fully set forth and described in the specification which I have prepared and executed preparatory to the obtaining of letters patent therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said David Peacock, as the assignee of my whole right and title thereto, for the sole use and behoof of the said David Peacock and his legal representatives.

In testimony whereof, I have hereunto set my hand and affixed my seal, this sixteenth day of February, 1856.

JETHRO WOOD. [SEAL.]

Sealed and delivered in the presence of

GEORGE CLYMER,  
DAVID RITTENHOUSE.

*Form of assignment of a partial right in a patent.*

Whereas I, Jethro Wood, of Scipio, in the county of Cayuga and State of New York, did obtain letters patent of the United States for certain improvements in ploughs, which letters patent bear date the first day of March, 1855; and whereas David Peacock, of Burlington, New Jersey, is desirous of acquiring an interest therein: Now this indenture witnesseth, that for and in consideration of the sum of two thousand dollars, to me in hand paid, the receipt of which is hereby acknowledged, I have assigned, sold, and set over, and do hereby assign, sell, and set over, unto the said David Peacock, all the right, title, and interest which I have in the said invention, as secured to me by said letters patent, for, to, and in the several States of New York, New Jersey, and Pennsylvania, and in no other place or places; the same to be held and enjoyed by the said David Peacock, for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are or may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof, I hereunto set my hand and affix my seal, this sixteenth day of February, 1856.

JETHRO WOOD. [SEAL.]

Sealed and delivered in the presence of

JACOB PERKINS,  
BENJAMIN FRANKLIN.

## Of the Office Fees, and How Payable.

79. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner—that is to say, before the labor is performed for which they are to be received in payment.

80. The following is the tariff of fees established by law :

On every application for a design.....	\$15 00
On every caveat.....	20 00
On every application for a patent, if made by a citizen, or a foreigner who has resided here one year and made oath of his intention to become a citizen.....	30 00
On every application, if by a subject of Great Britain.....	500 00
On every application, if by any other foreigner.....	300 00
On every filing a disclaimer.....	10 00
On every application for adding a new improvement.....	15 00
On every application for a reissue.....	15 00
On every additional patent granted on a reissue.....	30 00
On every application for an extension.....	40 00
On every appeal.....	25 00
On every copy of a patent, or other instrument, for every 100 words.....	10
On every copy of drawings.....	the cost of having it made.
For recording every assignment of 300 words, or under.....	1 00
For recording every assignment, if over 300 and not over 1,000 words.....	2 00
For recording every assignment, if over 1,000 words.....	3 00

81. It is recommended that the money for the payment of fees should be deposited with an assistant treasurer, or other officer authorized to receive the same, taking his certificate and remitting the same to this office. When this cannot be done without much inconvenience, the money may be remitted by mail at the risk of the owner, and in every case the letter should state the exact amount enclosed.

82. In case of deposit made with the assistant treasurers, or other persons authorized to receive public moneys, a *duplicate receipt* should be taken, stating by whom the payment was made, and for what object. The particular invention should be referred to, to enable the applicant to recover the twenty dollars in case of the withdrawal of the petition.

The certificate of deposit may be made in the following form :

OFFICE OF THE ———.

The Treasurer of the United States has credit at this office for ——— dollars in specie, deposited by ———, of the town of ———, in the county of ———, and State of ———, the same being for a patent [or whatever the object may be] for a steam-boiler.

A B.

83. The following officers are authorized to receive patent fees on account of the Treasurer of the United States, and to give receipts or certificates of deposit therefor, to wit :

Assistant Treasurer of the United States, Boston, Massachusetts.

Assistant Treasurer of the United States, New York, New York.



Treasurer of the Mint, Philadelphia, Pennsylvania.  
 Surveyor and Inspector, Pittsburg, Pennsylvania.  
 Assistant Treasurer of the United States, Charleston, South Carolina.  
 Collector, Baltimore, Maryland.  
 Collector, Richmond, Virginia.  
 Collector, Norfolk, Virginia.  
 Collector, Buffalo Creek, New York.  
 Collector, Wilmington, North Carolina.  
 Collector, Savannah, Georgia.  
 Collector, Mobile, Alabama.  
 Treasurer Branch Mint, New Orleans, Louisiana.  
 Assistant Treasurer United States, St. Louis, Missouri.  
 Surveyor of the Customs, Nashville, Tennessee.  
 Surveyor of the Customs, Cincinnati, Ohio.  
 Receiver of Public Moneys, Little Rock, Arkansas.  
 Receiver of Public Moneys, Jeffersonville, Indiana.  
 Receiver of Public Moneys, Chicago, Illinois.  
 Receiver of Public Moneys, Detroit, Michigan.  
 Collector, San Francisco, California.  
 Depositary, Tallahassee, Florida.

Any person wishing to pay a patent or other fee, may deposit it with either of the officers above named, and forward the receipt or certificate to this office as evidence thereof. Bank notes or checks cannot be received.

84. All money sent by mail, either to or from the Patent Office, will be at the risk of the owner. In no case should money be sent enclosed with models.

85. All payments to or by the office must be made in specie.

### Taking and Transmitting Testimony.

86. In contested cases, the following rules have been established for taking and transmitting evidence :

1. That before the deposition of a witness or witnesses be taken by either party, reasonable notice shall be given to the opposite party of the time and place when and where such deposition or depositions will be taken; so that the opposite party, either in person or by attorney, shall have full opportunity to cross examine the witness or witnesses.

And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office before the day of hearing.

2. That all evidence, &c., shall be sealed and addressed to the Commissioner of Patents, by the persons before whom it shall be taken, and so certified thereon.

3. That the certificate of the magistrate taking the evidence shall be substantially in the following form, and written upon the envelope, viz :

"I hereby certify that the depositions of A B, C D, &c., relating to the matter of interference between E F, and G H, were taken, sealed up, and addressed to the Commissioner of Patents, by me.

"A B,  
 "Justice of the Peace."

4. In cases of extension where no opposition is made, *ex parte* testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition, shall be received, unless taken within thirty days after filing the petition for the extension. [See section 60 of these rules.] *Provided*, The applicant shall give prompt notice to the opposing party or parties of the names and residences of the witnesses whose testimony has been thus taken.

5. That no evidence touching the matter at issue will be *considered* upon the said day of hearing which shall not have been taken and filed in compliance with these rules: *Provided*, That if either party shall be unable, for good and sufficient reasons, to procure the testimony of a witness or witnesses within the stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied by statements, *under oath*, of the cause of such inability, and of the *steps* which have been taken to procure said testimony, and of the *time* or *times* when efforts have been made to procure it; which last-mentioned notice to the Commissioner shall be received by him previous to the day of hearing aforesaid.

87. The notice for taking testimony must be served by delivering to the adverse party a copy.

If he is not found, such service may be made upon his agent or attorney of record, or by leaving a copy at the party's usual place of residence, with some member of the family who has arrived at the years of discretion.

It must be annexed to the deposition, with a certificate, duly sworn to, stating the manner and time in which the service was made.

88. The testimony must (if either party desires it) be taken in answer to interrogatories—having the questions and answers committed to writing in their regular order by the magistrate, or, under his direction, by some person not interested in the issue, or the agent or attorney of one who is. The deposition, when complete, must be signed by the witness.

89. The magistrate must append to the deposition his certificate, stating the time and place at which it was taken, the names of the witnesses, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse parties (if any), and whether they were present.

90. No notice will be taken, at the hearing, of any merely formal or technical objection, unless it may reasonably be presumed to have wrought a substantial injury to the party raising the objection; nor even then, unless, as soon as that party became aware of the objection, he immediately give notice thereof to this office, and also to the opposite party, informing him at the same time that, unless corrected, he should urge his objection at the hearing.

91. The following forms are recommended for observance in the taking of depositions:

A B, being duly sworn, doth depose and say, in answer to interrogatories proposed to him by C D, counsel for E F, as follows, viz:

1. *Interrogatory.* What is your name, your residence, and occupation?

1. *Answer.* My name is A B; I am a carpenter, and reside in Boston, Massachusetts.

And in answer to cross interrogatories proposed to him by G H, counsel for I K, as follows, viz:

1. *Cross interrogatory, &c.*

(Signed)

A B.

STATE OF NEW YORK, }  
*Rensselaer County,* } ss.

At Troy, in said county, on the ——— day of ———, A. D. 1856, before me personally appeared the above named A B, and made oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

The said deposition is taken at the request of E F, to be used upon the hearing of an interference between the claims of the said E F and those of I K, before the Commissioner of Patents of the United States, at his office, on the ——— day of ——— next. The said I K was duly notified, as appears by the original notice hereto annexed, and attended by G H, his counsel.

Certified by me,

L M,  
*Justice of the Peace.*

The magistrate must then seal up the deposition when completed, and endorse upon the envelope a certificate, according to the form prescribed in section 86, and sign it.

### Rules of Correspondence.

92. All correspondence must be in the name of the Commissioner of Patents; and all letters and other communications intended for the office must be addressed to him. If addressed to any of the other officers they will not be noticed, unless it should be seen that the mistake was owing to inadvertence.

93. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only. A double correspondence with him and his principal, if generally allowed, would largely enhance the labor of the office. For the same reason, the assignee of the entire interest in an invention is alone entitled to hold correspondence with the office, to the exclusion of the inventor. If the principal becomes dissatisfied, he must revoke his power of attorney, and notify the office, which will then communicate with him.

94. All communications to and from the Commissioner upon official business are carried in the mail free of postage.

### Of the Filing and Preservation of Papers.

95. All claims and specifications filed in this office (including amendments) must be written in a fair, legible hand, without interlineations or erasures, except such as are clearly stated in a marginal or foot note written on the same sheet of paper.

96. Every paper filed in the office must be endorsed in such a manner as to show its general character on the outside. It must also show the exact date on which it was filed. But where several papers which were all filed at one and the same time are permanently fastened together, one "filing" for the whole will be sufficient.

Letters going on files of any particular case must, in addition to the filing above directed, be endorsed with the name of the writer and the date

when written. [The above rule is intended for the guidance of the employés in this office alone.]

97. All papers thus "filed" will be regarded as permanent records of the office, and must never, on any account, be changed, further than to correct mere clerical mistakes.

### Of Amendments.

98. All amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed.

When amendments are required, the papers themselves are generally returned to the applicant; but it is only to enable him to make those amendments so as to be in harmony with the context. Even when the amendment consists in striking out a portion of the specification or other paper, the same course should be observed. No erasure must be made. The papers must remain for ever just as they were when filed, so that a true history of all that has been done in the case may be gathered from them.

99. The following are given as specimens of the forms proper to be observed in such cases:

"I hereby amend my specification by inserting the following words after the word — in the — line of the — page thereof," [here should follow the words that are to be inserted;] or, "I hereby amend my specification by striking out the — line of the — page thereof," or, "by striking out the first and fourth claims appended thereto," or whatever may be the amendment desired by the applicant.

100. The forms of other amendments will readily suggest themselves. In each case the exact words to be struck out or inserted should be clearly described, and the precise point where any insertion is to be made.

101. Where papers are returned to the applicant for amendment, the original papers must in all cases be returned to the office for preservation, together with the amendments.

102. In some cases amendments will be permitted to be made by writing out the entire paper anew; but even when this is done, the original paper must be returned and preserved.

103. No paper will be allowed to be taken from this office unless receipted for, or unless a written request be filed by the party entitled to control the case, nor until all interlineations and erasures are clearly noted on the paper in such a manner as to prevent the possibility of any change being made without the certainty of immediate detection.

104. The practice which has been sometimes pursued of placing the affidavit of the applicant on one piece of paper, and the signature to the specification on another, so that both may be detached and applied to other papers, will be looked upon with suspicion, and any such substitution will be carefully guarded against.

No such specifications will be received unless attached together by a tape, both the ends of which are secured by the seal of the officer who administered the oath, or unless that officer at least has subscribed his name upon each separate sheet of paper, so as to show that the specification presented is the same that was subscribed and sworn to.



### Rules for Reconsiderations.

The following rules will be strictly observed, except when, for cause shown, in special cases, a modification shall be allowed by the Commissioner :

105. Upon the rejection of an application for a patent for the want of novelty, the applicant will be furnished with references to the cases on which the rejection was made, with a brief explanation of the cause of rejection. If he desires a copy of the cases so referred to, or of the plates or drawings connected with them, these will be forwarded to him on payment of the cost of making such copies.

Previous to the second examination of any case which has been once rejected, the seventh section of the act of 1856 requires the applicant to renew, in substance, the oath originally filed with his specification. After thus applying for a second examination, no withdrawal of any part of the fee paid is authorized.

But the applicant, without renewing his oath, or forfeiting his right to withdrawal, may come before the proper examiner, between two and three o'clock P. M., on any Monday, Wednesday, or Friday of the week, and may then point out any mistake or oversight on the part of the office, which will be cheerfully corrected; but if the alleged error of which he complains, is, in the judgment of the examiner, upon the merits of the application, and can only be made apparent by a reëxamination of the case, the applicant cannot be heard to insist upon its correction, without a renewal of the oath of invention.

Should there be a second rejection after a reëxamination, as provided for in the second clause hereof, the applicant may in person, or by his agent, or in writing, as above contemplated, bring the matter before the Commissioner, who will, if possible, examine the case in person. But should he not be sufficiently at leisure, it will be referred to a board of examiners. The decision attained in either of these modes will be final, so far as the action of this office is concerned. The only remaining remedy will be by appeal in those cases allowed by law.

The above rules will be strictly observed, except where, for cause shown, in peculiar cases, a modification shall be allowed by the Commissioner.

### Of giving or withholding Information.

106. Aside from the caveats, which are required by law to be kept secret, all pending applications are, as far as practicable, preserved in like secrecy. No information will therefore be given to those inquiring whether any particular patent is before the office, or whether any particular person has applied for a patent.

107. But information is given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned.

The models in such cases are so placed as to be subject to general inspection; the specifications and drawings in any particular case can be seen by any one having particular occasion to examine them, and copies thereof, as well as of patents granted, will be furnished to any one willing to pay the bare expense of making them. Copies will be made on parchment at the request of the applicant, upon his paying the additional cost.

108. Even after a case is rejected, the application is regarded as pending until after the decision of an appeal thereon, or until after the party has withdrawn the case from the further consideration of the office; but if a party whose application has been rejected, allows the matter to rest for two years without taking any further steps therein, he will be regarded as having abandoned his application, so far at least that it will no longer be protected by any rule of secrecy. And in all cases where the specification is withdrawn from the office and retained by the applicant or his agent for six months or upwards, the like abandonment will be presumed.

The specification, drawings, and model, will then be subject to inspection in the same manner as those of patented or withdrawn applications.

109. Information in relation to pending cases is given so far as it becomes necessary in conducting the business of the office, but no further. Thus, when an interference is declared between two pending applications, each of the contestants is entitled to a knowledge of so much of his antagonist's case as to enable him to conduct his own understandingly.

And where the rejection of an application is founded upon another case previously rejected, but not withdrawn or abandoned, the rejected applicant will be furnished with all information in relation to the previously rejected case which is necessary for the proper understanding and management of his own.

110. When an applicant claims a certain device, and the same device is found *described* but not *claimed* in another pending application which was previously filed, information of the filing of such second application is always given to the prior applicant, with a suggestion that if he desires to claim a patent for that device, he should forthwith modify his specification accordingly.

111. But where the application which thus describes a device without claiming it is subsequent in date to that wherein such device is claimed, the general rule is, that no notice of the claim in the previous application is given to the subsequent applicant. But where there are any special reasons to doubt whether the prior applicant is really the inventor of the device claimed, or where there are any other peculiar and sufficient reasons for departing from the rule above stated, the office reserves to itself the right of so doing without its being regarded as a departure from the established rule.

112. The office cannot respond to inquiries as to the novelty of an alleged invention, in advance of an application for a patent, in manner pointed out in this pamphlet, (see section 23,) for obvious reasons; nor to inquiries founded upon brief and imperfect descriptions propounded with a view of ascertaining whether such alleged improvements have been patented, and if so, to whom; nor can it act as an expounder of the patent law, or as counsellor for individuals, except as to questions arising within the office.

113. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be predicated exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding, in relation to which there is any disagreement or doubt.

PATENT OFFICE, *March 16, 1859.*

## ADVICE TO INVENTORS.

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### How to Obtain American & European Patents.

BY

MESSRS. MUNN & CO.,

PATENT SOLICITORS,

SCIENTIFIC AMERICAN OFFICE, NEW YORK AND WASHINGTON.

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WHEN an individual has made an invention, the first inquiry that naturally suggests itself is, "*Can I obtain a Patent?*" A *positive* answer to this question is only to be had by presenting a formal application for a patent to the Government, embracing a petition, specification, model, duplicate drawings, and the payment of the prescribed official fees. Aside from these steps, all that the inventor can do is, to submit his plans to persons experienced in the business of obtaining patents, and solicit their opinions and advice. If the parties consulted are honorable men, the inventor may safely confide his ideas to them, and they will inform him whether or not his invention is probably patentable.

Those who have made inventions, and desire to consult with us respecting the same, are *cordially invited to do so*. We shall be happy to see them in person at our office, or to advise them by mail, or through the SCIENTIFIC AMERICAN. In all cases they may expect from us an *honest opinion*. For these consultations, opinion, and advice, *we make no charge*. A pen-and-ink sketch, and a description of the invention should be sent, together with a stamp for return postage. Write plain; do not use pencil nor pale ink; be brief.

Remember that all business committed to our care and all consultations are kept by us *secret and strictly confidential*.

#### Preliminary Examinations.

In many cases it will be advisable, as a measure of prudence, to order a PRELIMINARY EXAMINATION. This consists of a *special search*, made at the U. S. Patent Office, Washington, through the medium of our house in that city, to ascertain whether, among all the thousands of patents and models there stored, any invention can be found which is similar in character to that of the applicant. On the completion of this special search we send a *written report* of the result to the party concerned, with suitable advice. Our charge for this service, including the report, is \$5. This search, though it involves the expense just named, will usually prove by far the most satisfactory. If the same device has been before patented, the time and expense of constructing models, preparing documents, &c.,



will, in most cases, be saved; if the invention has been in part patented, the applicant will be enabled to modify his claims and expectations accordingly. Many other obvious advantages attend the Preliminary Examination; although the strictest search does not always enable the applicant to know positively whether a patent can be had. Applications for patents are often rejected because the examining officer finds a description of the alleged invention in some foreign publication; or some other person has been previously rejected on an analogous device; or the Government makes an unjust or uncommon decision. Against none of these contingencies does the Preliminary Examination provide; it will, however, generally inform the applicant whether an improvement similar to his, and used for the same purpose, *has ever been patented or not in this country.*

Parties desiring the Preliminary Examination are requested to remit the fee, (\$5,) and furnish us with a sketch and description of their invention.

### Expense of Applying for a Patent; Rejections, &c., &c.

The Government fee for a patent is, in all cases, except for foreigners, \$30; foreigners who have resided in the United States for one year, and have made oath that they intend to become citizens, are also charged only \$30. The Government fee to a British subject is \$500; to all other foreigners it is but \$300. The payment of these fees cannot be avoided by the foreign inventor assigning his invention to an American citizen. The inventor must always make application for the patent in his own name, but can have it issued to assignees by executing at the time of the application a proper assignment.

When a machine or invention is made by two parties, one being a citizen of the United States and the other a subject of some foreign country, that amount of government fee will be demanded which would be required in case both were foreigners; for instance, if one is a citizen of the United States, and the other a subject of the British Crown, the whole fee would be \$500.

To the foregoing official fees must be added the attorney's fees for preparing the various documents and drawings. Our charge for *preparing a case, presenting it to Government, and attending to all business connected with it, until a decision is given*, is generally \$25; but the charge is higher if unusual labor is involved. If the patent is granted, no further expense ensues. If the application is rejected, we cause a *thorough investigation to be made*, at Washington, into the reasons presented by the Commissioner for refusing the patent. In making this examination we have access to all the drawings, models, books, and specifications cited in reference, and we report the result as early as possible to our client. *For this service we make no charge.* If the rejection proves to be an unjust one—which sometimes happens—it can generally be reversed, and the patent obtained by further prosecution. For this prosecution we charge a fee proportionate to the extra labor involved, payable on the issue of the Patent; but our demand will be reasonable and satisfactory to our clients, and will be arranged beforehand by special agreement.

**WITHDRAWALS:**—On rejection, the applicant is entitled to withdraw two-thirds of the fee from the Patent Office, if he elects to do so in preference to having his case prosecuted further.

**GENERAL REMARKS.**—For the information of applicants, we would state that some agents are in the habit of charging for the preparation of the



case, and having no further facilities *decline all investigation or prosecution when rejected*. Others, also, having no facilities of their own, advise their clients to go to the expense of procuring official copies of the drawings and specifications of all the references. Again, others are in the habit of charging a high price at the outset, in which they include the cost of prosecuting the case, if by them deemed necessary. Under this system, if the patent issues, or is justly rejected, no further prosecution is needed; but the inventor has paid full price for a service not wanted and never rendered.

Our object in making the above statement is, not to reflect upon the manner in which other agents conduct their affairs, but simply to have our own method of doing business clearly understood.

The system adopted by us works well, gives general satisfaction, and presents to all applicants, rich or poor, an equal opportunity of having their patent cases prepared, conducted, and prosecuted *in the best manner*, by experienced attorneys, upon the most moderate terms. Inventors who have REJECTED CASES prepared either by themselves or for them by other agents, and desire to ascertain their prospects of success by further effort, are invited to avail themselves of our unequalled facilities in securing favorable results in such cases. We have been successful in securing Letters Patent in HUNDREDS OF SUCH CASES. Our terms for such services are very moderate, and the fee is contingent upon success after the case has been thoroughly examined by us, and the cost agreed upon before any extra expense is incurred.

### Models, Remittances, &c.

The law requires that the inventor shall, in all cases, furnish a model, which must not exceed twelve inches in any of its dimensions. It should be neatly made of hard wood or metal, or both, and varnished or painted; the name of the inventor should be engraved or painted upon it conspicuously. Where the invention consists of an improvement on some known machine, a full working model of the whole will not be necessary. It should be sufficiently perfect, however, to show, with clearness, the nature and operation of the invention. The proportion of parts, or scale on which a model is made, is a matter of no importance.

As soon as the model is ready, it should be carefully boxed and shipped by express, or otherwise, to our address, viz: MUNN & Co., No. 37 Park Row, New York City. Prepay the expense, and send express receipt to us by mail.

Simultaneously with the model, the inventor should also send us the amount of the Government fee—thirty dollars. The money may be forwarded either by express, with the model, or by mail. The safest way to remit is by draft on New York, payable to our order. Always send a letter with the model, and also with the remittance, stating the name and address of the sender. We sometimes receive envelopes, containing money, but without any name or explanation; models are also frequently sent us, from equally unknown sources.

A full written description should also be sent with the model, embodying *all the ideas of the inventor respecting the improvement*.

On the reception of the model and Government fee, the case is duly registered upon our books, and the application proceeded with as fast as possible. When the documents are ready, we send them to the inventor

by mail, for his examination, signature, and affidavit, with a letter of instruction, &c. Our fee for preparing the case is then due, and will be called for.

The average time required to procure a patent, when the case is conducted at our agency, is six weeks. We frequently get them through in less time; but in other cases, owing to delay on the part of the officials, the period is sometimes extended to two or three months, and even more. We make a special point to forward our cases *as rapidly as possible*.

Inventors who do business with us will be notified of the state of their application in the Patent Office, when it is possible for us to do so. We do not require the personal attendance of the inventor, unless the invention is one of great complication; the business can as well be done by correspondence.

When the invention consists of a new article of manufacture, or a new composition, samples of the separate ingredients sufficient for the purpose of experiment, and also of the manufactured article itself, must be furnished.

### Going to Washington in person.

Some inventors suppose, very naturally, that if personally present in Washington, they can get their cases through more expeditiously, or command other facilities which they cannot enjoy by mere correspondence through an agency like ours. But this is not so. *No inventor can possibly have facilities or influence superior to our own*; for more than one-third of the entire business of the Patent Office passes through our hands, and we have a branch house *on the spot*, charged with the especial duty of watching over and pressing forward the interests of our clients. The Patent Office does not prepare or amend imperfect patent papers, or build models. These must be provided by the applicant or his attorney, according to law, *otherwise his claim will not be considered*. For the convenience of those who visit Washington in person, however, we would state that they can have all their patent business *promptly attended to*, by calling at our BRANCH SCIENTIFIC AMERICAN OFFICE, corner of 7th and F streets, opposite the Patent Office.

### Infringements.

The manufacture, sale, or use, of a patented article, without the consent of the owner of the patent, is an *infringement*, and subjects the infringer, by injunction from the Court, to an arrest of or prohibition from the employment of his machinery, shop works, factory, and men, in the production of the article. In addition to injunction, the infringer is liable to be mulcted in treble the amount of damages awarded by the jury. The maker, the workman, the seller, and the purchaser if a user, are all liable, either collectively or individually.

The use of a patented device is sometimes an infringement upon a prior patent.

In view of these facts, parties who hold or are working under patents should seek the earliest and best advice, *whenever the question of infringement arises*. Many persons are "penny wise and pound foolish" in such matters. Reluctant in the beginning to expend the small amount needed to employ a reliable counsellor to investigate the matter and show them exactly where they stand, some will rush headlong into the most serious

difficulties; others will suffer themselves to be pecuniarily wronged; while still others will allow their rights to be infringed upon without offering any resistance.

The mere comparison of *the claims* of one patentee with those of another is in general of but little value in judging of infringements. *A most careful examination of all collateral patents is usually requisite.*

Having access to all the patents, models, public records, drawings, and other documents pertaining to the Patent Office, we are prepared to make examinations, and give opinions upon all infringement questions, advice as to the scope and ground covered by patents, and direct with vigor any legal proceedings therewith connected. Our charges will be moderate, and proportionate to the labor involved.

Address all letters of inquiry to MUNN & Co., 37 Park Row, New York.

### Interference.

If an inventor happens to apply for a patent when another application for a similar device is pending at the Patent Office, the two cases are declared by the Commissioner to "interfere," and each party is notified to present evidence as to the date when he first invented the thing. He who proves the priority of invention receives the patent, and the other applicant is rejected.

Even after a patent has been granted, another inventor may come forward and apply for a patent for the same device; and, if he can prove priority of invention, the Commissioner will issue a patent to him. The Commissioner has no power to cancel the first patent; but under our laws a patent granted to him who was not the first inventor is *invalid*, and therefore worthless.

Although the main thing to be proved in interferences is the date of invention, still there are a variety of legal points which enter into every case, that require a knowledge of the patent laws and skill in the application of that knowledge. The filing of a caveat is not, as many suppose, conclusive evidence of priority. The verbal suggestion of a crude idea, the making of an incomplete or inoperative model, the performance of experiments, the marking of sketches, are not, of themselves, conclusive evidence of priority.

As a general observation it may be remarked that "in a race of diligence he is the inventor who first reduces the thing to actual practice." Again, he is the prior inventor who first communicates the new thing, so that no further exercise of inventive power is necessary; or so that any person skilled in the art can readily make or apply the improvement.

The taking of evidence in interference cases is a sort of private inquest. It is not necessarily a Court proceeding. Subpœnas cannot be issued nor compulsory process employed to cause parties to testify. The witnesses may be sworn before a Justice of the Peace, Notary, or other person empowered to administer oaths. Each party must notify the other of the time and place when and where he proposes to examine his witnesses, so that the opponent may have opportunity to cross-examine. The evidence must be taken down by the magistrate, or under his direction, and by him sealed up and addressed to the Commissioner of Patents. Models, drawings, machines, specimens, and exhibits of any kind may be put in evidence. The Commissioner fixes a certain day for the hearing of the case, prior to which the contestants may file arguments upon the merits.



The management of interferences forms a part of the Scientific American patent business. Our terms for attention to interferences are moderate, and dependent upon the time required. Address all letters to MUNN & Co., No. 37 Park Row, New York.

### Appeals.

The law provides for an Appeal from the decisions of the Commissioner of Patents to the U. S. Court of the District of Columbia. These Appeals are heard by any one of the Judges before whom the applicant elects to bring the case. No jury. All the papers, models, &c., are sent by the Commissioner to the Judge, who then reviews the case, and either sustains or reverses the Commissioner's decision. The party taking the appeal pays an official fee of \$25. The Judge appoints a day of hearing. The applicant can appear in person or by counsel to state his case and file a written argument. Five days are allowed the opponent to put in an answer, and a similar period to the appellant for a closing reply.

Many important cases are brought before the Judges on Appeal, and the decisions of the Commissioner are not unfrequently reversed. We have had successful experience in conducting these appeals, and our services can be retained on moderate terms.

### General Remarks.

MESSRS. MUNN & Co. have been personally familiar with the progress of invention and discovery during *sixteen years*. As an evidence of the confidence reposed in their ability and integrity, they may with propriety refer to the extraordinary fact that over **THREE THOUSAND PATENTS** have been issued to their clients in the brief space of only **TWO YEARS**; and during the same period they have examined, through their efficient branch office in Washington, into the novelty of *over four thousand inventions*, thus affording to them a knowledge of the contents of the Patent Office unrivalled by any existing agency. Not only this, but more than three-fourths of all the patents secured by American citizens in European countries are taken through MUNN & CO.'S AGENCIES IN LONDON, PARIS, BRUSSELS, BERLIN, AND VIENNA.

The convenient proximity of our Washington House to the Patent Office gives us rare facilities for the examination of all the official records, models, drawings, specifications, documents, &c. We can promptly furnish copies of any patent, assignment, &c. Searches made as to the sale or transfer of rights. Assignments prepared, &c.

In addition to the advantages which the long experience and great success of our firm in obtaining patents present to inventors, they are informed that all inventions patented through our establishment are noticed, *at the proper time*, in the **SCIENTIFIC AMERICAN**. This paper is read by more than 100,000 persons every week, and has the most extensive and influential circulation of all the journals of its kind in the world.

We make these statements in order that parties who come to us for aid and information may feel, at the outset, that they are applying to men who are reliable, skilful, and successful in the business.

### Testimonials.

No individual in the country can possibly have so good an opportunity



of knowing and judging as to the extent of business and the qualification of patent attorneys as the *Commissioner of Patents*. This officer is charged with the entire administration of the U. S. Patent Office. All its records are under his keeping and supervision; all correspondence is signed by him; and all patents issued are laid before him for signature. A certificate from a source so high and authentic cannot fail to command general respect and attention. JUDGE MASON, upon retiring from the office of Commissioner of Patents, sent us the following flattering written testimonial:

Messrs. MUNN & Co. :—I take pleasure in stating that while I held the office of Commissioner of Patents, MORE THAN ONE-FOURTH OF ALL THE BUSINESS OF THE OFFICE CAME THROUGH YOUR HANDS. I have no doubt that the public confidence thus indicated has been fully deserved, as I have always observed, in all your intercourse with the office, a marked degree of promptness, skill, and fidelity to the interests of your employers.

Yours, very truly,

CHAS. MASON.

JUDGE MASON was succeeded by HON. JOSEPH HOLT, one of the most accomplished lawyers in the country, and whose administration of the Patent Office was so distinguished that, upon the death of Gov. BROWN, he was appointed to the office of Postmaster General of the United States. Soon after entering upon his new duties in March last, he addressed us the following very gratifying letter:

Messrs. MUNN & Co. :—It affords me much pleasure to bear testimony to the able and efficient manner in which you discharged your duties as Solicitors of Patents, while I had the honor of holding the office of Commissioner. Your business was very large, and you sustained (and I doubt not justly deserved) the reputation of energy, marked ability, and uncompromising fidelity in performing your professional engagements.

Very respectfully, your obedient servant,

J. HOLT.

Upon the resignation of Mr. Holt, Hon. William D. Bishop was appointed to the office of Commissioner of Patents. Upon his resignation, we received from him the following letter:

Messrs. MUNN & Co. :—Gentlemen: It gives me much pleasure to say that, during the time of my holding the office of Commissioner of Patents, a very large proportion of the business of inventors before the Patent Office was transacted through your agency, and that I have ever found you faithful and devoted to the interests of your clients, as well as eminently qualified to perform the duties of Patent Attorneys with skill and accuracy.

Very respectfully, your obedient servant,

WM. D. BISHOP.

One great reason for our unrivalled success is, that our affairs are so systematized and arranged, under our personal direction, that every patent case submitted to our care receives the most careful study during its preparation, the most prompt despatch when all the patent papers are completed, and the most thorough attention at every stage of its subsequent progress.

### Caution to Inventors.

Messrs. MUNN & CO. wish it to be distinctly understood that they neither buy nor sell patents. They regard it as inconsistent with a proper management of the interests and claims of inventors, to participate in the least apparent speculation in the rights of patentees. They would also advise patentees to be extremely cautious into whose hands they entrust the power to dispose of their inventions. Nearly fifteen years' observation has convinced us that the selling of patents cannot be conducted by the same parties who solicit them for others without causing distrust.

### Business conducted Confidentially.

We would inform inventors that their communications are treated with the utmost confidence, and that the secrets of inventors confided to us are never divulged, without an order from the inventor or his acknowledged representative.

### Searches of the Records.

Having access to all the official records at Washington, pertaining to the sale and transfer of patents, we are at all times ready to make examinations as to titles, ownership, or assignments of patents. Fees moderate.

We employ, to assist us, the most experienced corps of examiners, specification writers, and draughtsmen, that can be found. We have a branch house at Washington, supervised by one of our partners, and located directly opposite to the Patent Office, for the especial purpose of attending to the interests of our clients, making searches, examinations, &c. In short, we believe that no other concern can present so great an array of talent, business facilities, influence, and practical experience, as that which we throw open to the service of our clients.

All communications should be addressed to MUNN & CO., No. 37 Park Row, New York city.

# INSTRUCTIONS HOW TO SECURE EUROPEAN PATENTS,

WITH A SYNOPSIS OF THE  
PATENT LAWS OF VARIOUS COUNTRIES,

BY

MUNN & CO.,

PUBLISHERS OF THE SCIENTIFIC AMERICAN,

AND

SOLICITORS OF AMERICAN AND FOREIGN PATENTS.

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AMERICAN INVENTORS should bear in mind that, as a general rule, any invention which is valuable to the patentee in this country, is worth equally as much in England, and some other foreign countries. Four patents—American, English, French, and Belgian—will secure an inventor exclusive monopoly to his discovery among *one hundred millions* of the most intelligent-people in the world. The facilities of business and steam communication are such, that patents can be obtained abroad by our citizens almost as easily as at home. The majority of all patents taken out by Americans in foreign countries are obtained through the SCIENTIFIC AMERICAN PATENT AGENCY. Having established agencies at all the principal European seats of Government, we obtain patents in Great Britain, France, Belgium, Prussia, Austria, Spain, &c., with promptness and despatch.

It is generally much better to apply for foreign patents simultaneously with the application *here*; or if this cannot be conveniently done, as little time as possible should be lost after the patent is issued, as the laws in some foreign countries allow patents to any one who first makes the application, and in this way many inventors are deprived of valid patents for their own inventions. Many valuable inventions are yearly introduced into Europe from the United States, by parties ever on the alert to pick up whatever they can lay their hands upon, which may seem useful.

Models are not required in any European country, but the utmost care and experience are necessary in the preparation of the specifications and drawings.

When parties intend to take out foreign patents, engravings should not be published until the foreign applications have been made.

CAUTION.—It has become a somewhat common practice for agents located in England to send out circulars soliciting the patronage of American inventors; we caution the latter against heeding such applications, or they may otherwise fall into the hands of irresponsible parties, and thus be de-

frauded of their rights. It is much safer for inventors to entrust their cases to the care of a competent, reliable agent at home.

While it is true of most European countries that the system of examination is not so rigid as that practised in this country, yet it is vastly important that inventors should have their papers prepared only by the most competent solicitors, in order that they may stand the test of a searching legal examination; as it is a common practice, when a patentee finds a purchaser for his invention, for the latter to cause such examination to be made before he will accept the title.

It is also very unsafe to entrust a useful invention to any other than a solicitor of known integrity and ability. Inventors should beware of speculators, whether in the guise of Patent Agents or Patent Brokers, as they cannot ordinarily be trusted with valuable inventions.

MESSRS. MUNN & Co. have been established *fifteen years* as American and Foreign Patent Attorneys, and publishers of the *Scientific American*, and during this time they have been entrusted with some of the most important inventions of the age; and it is a matter of pardonable pride in them to state, that not a single case can be adduced in which they have ever betrayed the important trust committed to their care. Their agents in London, Paris, and other Continental cities are among the oldest and most reliable Patent Solicitors in Europe, and they will have no connection with any other.

### Cost of Procuring Foreign Patents.

The costs of procuring foreign patents cannot be the same in every case, as in some instances, when the inventions are of a complicated character, we are obliged to charge a higher fee. Applicants can always depend, however, upon our best terms.

Parties desiring to consult with us in reference to the expense of foreign patents, or upon any other question relating to business of this character, can do so either personally or by letter in the most confidential manner.

## SYNOPSIS OF THE LAWS.

### GREAT BRITAIN.

Patents for inventions under the *new law*, as amended by the Act of October 1st, 1852, and now in operation, include the United Kingdom of Great Britain and Ireland in one grant, which confers the exclusive right to make, use, exercise, or vend. This is conceded to the inventor, or the introducer, for a period of fourteen years, subject, after the patent is granted, and the first expenses paid, to a government tax twice during its existence—the first prior to the expiration of three years from the date of the patent, and the second within seven years. The purchaser of a patent assumes the payment of these taxes.

There is no provision in the English law requiring that a patented invention shall be introduced into public use within any specified limit. Under the Patent Act of October, 1852, the British Government relinquished its right to grant patents to any of its colonies, each colony being permitted to regulate its own patent system. If a patent has been previously taken out in a foreign country, the British patent will expire with it.



**FRANCE.**

Patents in France are granted for a term of fifteen years, unless the invention has been previously secured by patent in some other country; in such case it must take date with and expire with the previous patent. After the patent is issued, the French Government requires the payment of a small tax each year so long as the patent is kept alive, and two years' time is given to put the invention patented into practice.

It should be borne in mind, that although the French law does not require that the applicant should make oath to his papers, yet if a patent should be obtained by any person other than the inventor, upon proof being adduced to this effect before the proper tribunal, the patent would be declared illegal.

**BELGIUM.**

Patents in Belgium are granted for twenty years, or if previously patented in another country, they expire with the date thereof. The working of the invention must take place within one year from the date of patent, but an extension for an additional year may be obtained on application to the proper authorities. Inventors only are legally entitled to take out patents.

**THE NETHERLANDS.**

Patents are granted by the Royal Institute of the Netherlands to natives or foreigners represented by a resident subject, which extend to a period of about two years, within which time the invention must be brought into use; and, upon the payment of about \$250, a patent will be granted to complete its whole term of fifteen years. Unless these conditions are complied with, the patent ceases.

**PRUSSIA.**

Applications for patents in Prussia are examined by the Royal Polytechnic Commission, and, unless there is novelty in the invention, the applicant's petition will be denied; and if it is granted, the invention must be worked within six months afterwards. A respite, however, of six additional months may be obtained if good and sufficient reasons for it can be shown.

**AUSTRIA.**

Austrian patents are granted for a period of fifteen years, upon the payment of one thousand florins, or about \$500 in American currency. This sum, however, is not all required to be paid in advance. It is usual to pay the tax for the first five years upon the deposit of the papers; and the patent must be worked within its first year. The Emperor can extend the patent and privilege of working by special grant. In order to obtain a patent in Austria, an authenticated copy of the original Letters Patent must be produced.

**SPAIN AND CUBA.**

The duration of a Spanish patent of importation is five years, and can be prolonged to ten years; and the invention is to be worked within, and then not to be interrupted for, one year and one day. The Spanish Government will grant a patent for Cuba upon special application to the home government, at Madrid, or it may be procured from the proper authorities at Havana; in either case it constitutes a separate issue and requires separate charges.

**RUSSIA.**

Since the close of the Crimean war much attention has been given to Russian patents by Americans. Russia is a country rich in mineral and agricultural products, and there seems to be a field open for certain kinds of improvements. The present Emperor is very liberally disposed towards inventors; and as an evidence of the interest which he takes in the progress of mechanic arts, we may state that we have had visits from two distinguished Russian *savans*, specially sent out by the Emperor to examine American inventions. As Russian patents are expensive, and somewhat difficult to obtain, we do not take it upon ourselves to advise applications; inventors must judge for themselves;—and this remark applies not only to Russia, but also to all other foreign countries.

**CANADA.**

Patents of invention are granted only to actual residents of Canada, and British subjects. Under the general patent law of Canada, an American cannot procure a patent for his invention there. The only way in which he can do so is by virtue of a special act of parliament, which is difficult, uncertain, and expensive to obtain.

At the time of putting this pamphlet to press, a bill was before the Canadian Parliament with some prospect that it would become a law. Our arrangements for securing Canadian patents will be complete whenever the bill is passed.

**BRITISH INDIA.**

The date of the law, February 28, 1856. Duration of a patent, fourteen years. Invention must be worked within two years from date of petition. Privilege granted only to the original inventor or his authorized agent in India.

**SAXONY.**

Duration of a patent, from five to ten years. Invention must be worked within one year from date of grant. Careful examination made before granting a patent.

**HANOVER.**

Duration of a patent, ten years; and in case of a foreign patent having been previously obtained, an authenticated copy of said patent must be produced. Invention must be worked within six months from date of grant.

**ANNUITIES.**—Persons holding foreign patents secured through our agency can have the annuities paid through us. We are obliged to exact a small fee for attending to these payments, in order to meet expenses of transportation, agency charges on the other side, and for exchange of money, but the charge is but trifling for such service.

**MUNN & CO.,**

**37 PARK ROW, AND 145 NASSAU STREET, NEW YORK.**

## INTERESTING ITEMS OF USEFUL INFORMATION

ABOUT

### PATENTS AND PATENT LAW CASES.

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THERE are questions constantly being put to us by our correspondents touching the legal rights of inventors and patentees. These questions are of a multiform character, and oftentimes involve matters of great importance to those interested. We present herewith a great variety of topics which we have no doubt will interest and instruct all who are in any way concerned in inventions and patent property. The information is mostly based upon the patent laws and decisions made in accordance therewith.

#### Sale of Inventions Prior to the Issue of Patents.

The question is often asked: "Can an invention be publicly used previous to the application for a patent without invalidating the claim after the Letters Patent are issued?" We answer, *Yes*. By the provision of the act of 1839, it is decreed that "no patent shall be invalid by reason of such purchase, sale, or use prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent." This is a humane provision, as it may often happen that, at the time the invention is made, the inventor may not be in circumstances sufficiently affluent to enable him to apply immediately for the patent, or he may desire to make some experiments for the purpose of testing the probable value of his invention.

Inventors, however, should carefully avoid reposing too much confidence in this provision, as the same section of the law thus cited provides that "every person or corporation who has or shall have purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor or any other person interested in such invention."

#### The Inventor must Apply for the Patent.

It is necessary, in all cases, that an application for a patent should be made in the name of the inventor. Canadians, and other foreign inventors, have erroneously supposed that by transferring their full rights to an American citizen, preliminary to an application, they could thereby obtain the patent for the same small fee as is required of a citizen. There is not

a lawyer, either in England or America, from the Lord Chief Justice downwards, competent to prepare a transfer that can convey to another the right to legally execute papers on an application for a patent. In all cases the applicant must swear to his invention, and also as to whether he is a citizen or a foreigner. This is a perpetual bar to the conveyance of any such right.

### Rights of Minors.

A minor can take a patent in his own name, but it is subject to the control of one of his parents or his legal guardian, the same as any other property that may come into his possession.

By the laws of the United States, as well as Great Britain, minors, until they are twenty-one years of age, are not considered competent to do business. Minors could not, therefore, legally transfer a patent; neither could the parent or legal guardian do this in case the term of the patent should extend beyond the time when the minor became of age. There are difficulties connected to the transfer of patents granted to minors which appear never to have been settled.

### Women's Rights.

Women can also apply for and obtain patents upon the same terms as the sterner sex. We frequently take out patents for ladies; but they do not exercise their ingenuity as much as they ought.

If the woman-patentee is of age she can transfer a patent legally, and enjoy all the rights and privileges of any one.

### Curious Question about Ownership in Patents.

Many employers think themselves entitled to all inventions made by persons in their service. This is not so unless there is a stipulation to that effect; and it is high time that employers should abandon such unjust pretensions. No inventor need fear of thus losing his right, unless it can be proved that he was employed expressly to bring out such invention for the benefit of his employer.

In regard to inventions made by slaves, it has been the practice of the Patent Office to reject such applications, as they are considered legally incompetent alike to receive the patent and to transfer their interest to others. In reference to free colored men, we believe them also to be incompetent to receive a patent, as under the United States Laws they are not regarded as citizens, and could not therefore defend a patent against infringers in the United States courts.

### Joint Patentees.—Recording Assignments.

There are three classes of assignments that must be recorded at the Patent Office within three months from their date, in order to insure their validity against subsequent purchasers without notice. These are, first, an assignment of the entire patent; second, an undivided portion of a patent; third, the sale of an exclusive right, under a patent, for a particular territory. Illustration: If A, having already sold a patent to B, turns knave and makes a second sale of the same property to C, who records it, (B having omitted to place his assignment on record within three months, and C having no knowledge of the sale to B,) then the assignment to C will be



held valid, and that to B becomes null; B's only remedy being a suit for fraud against A.

We are very frequently asked the following question: "A, B, and C each own an undivided third-interest in a certain patent. Can A proceed to manufacture and sell the patented article whenever he chooses, without the consent or without accounting to B and C as to the proceeds?"

In answer we say that A can proceed, without consent, to manufacture and sell the patented article whenever he pleases. Whether B and C can procure an order from the Court compelling A to give bonds that he will account for profits and set apart a third share thereof to each, under the direction of the Court, is a question as yet undecided.

The opinion, however, prevails that one of the owners in a joint patent may use the invention, freely, for his own benefit, so long as he does not debar the others of the right to do the same.

If an assignment of the invention is made at the time of the application, and the case is rejected after examination, and the inventor or his attorney afterwards succeeds in securing the issue of the patent, by appeal or otherwise, this issue does not, as some have supposed, render the transfer invalid. The same remark also applies to a case which may have been withdrawn, and resubmitted and patented under a new application.

### Stamping Patented Articles.

It is customary, but not compulsory by any existing law, that patentees should have their *names* stamped or engraved on the patented articles offered for sale; but the patentee *is* required by law to conspicuously stamp or engrave the precise *date* on which the patent was issued, upon each article. The penalty of a non-compliance with this rule is one hundred dollars for each violation of the law, and a violation occurs as often as a machine is manufactured or sold. The same penalty is enforced against any person who marks the word "patented" upon a machine or other article for which no patent has ever been granted. This is one of the few forms of falsehood for which our truth-loving legislators have provided a pecuniary punishment. But pending the issue of a patent to an applicant, the latter may mark the words "patent applied for" upon his machine or other article, and affix his name thereto, if he chooses.

### Questions about the use of Patented Inventions.

It seems to be a disputed question with many persons, whether a patent for an invention prevents a man from imitating it, merely *for his own private use*, so long as he does not sell it. We answer, It certainly does. A patent is an exclusive privilege, granting to the patentee, for the term of fourteen years, the right to *make*, vend, and use, and to sell to others the same rights and privileges; therefore no one has any right to use a machine on his individual account. If this were not so, many patents would be entirely worthless, such as those for bridges and other structures or machines, which could be used by corporations, manufactories, &c., and the whole catalogue of manufacturing processes would thus become of no value.

The question is often asked: "Suppose John Brown owns the right of a patented invention for the State of New York, and John Smith for the State of Pennsylvania. Then suppose a resident of New York goes into Pennsylvania and there purchases one of the machines thus patented.

Now, can the latter individual carry it into the State of New York and use it without liability to John Brown?" We answer, *No*. John Smith can sell as many machines as he pleases, to all who come upon his territory to purchase them; but the purchaser would be liable to damages if he used that machine in any State for which the right was owned by another party. The same remark applies also to the rights for towns and counties. The owner of such a right may take an order to make a machine from another town or county, but he must not sell it there; and the person whom he supplies cannot use the machine without the consent of the licensee of his own county.

### Can a Patent be Attached?

This is an important question. It is contended by some that, as a patent is granted to a person specified in the instrument for his exclusive use and benefit, no court nor power of government can deprive him of it unless he assigns it, and without his assignment the mere possession of the document is as so much waste paper. Lawyers engaged in ordinary civil suits have confused this subject very much for want of proper knowledge on this subject. Some years since we took the advice of an eminent counsel on patents, resident in this city, who gave it as his opinion that, by a proper process of law, a patent can be attached and sold.

It is obvious to all who think upon this subject that a patent, which is a species of incorporeal property, and subject to the laws of the United States, cannot be seized upon by the ordinary process of attachment or execution as provided for by the various states. A patented machine could, however, be levied upon, but not the rights secured under the patent. There are no decisions upon this subject, and hence the question is somewhat complicated. Curtis, in his able work on patents, referring to the same subject, says:—"The interest in a patent may also be assigned by operation of law, in case of the bankruptcy of the patentee, as well as by his *voluntary* assignment. There is no question that a patent already obtained passes to assignees in bankruptcy."

### Abandonment of an Invention.

After the expiration of two years from the date of a patent, it is then too late for a subsequent applicant to come forward and, by proving priority, receive a patent. In such cases the Commissioner of Patents holds that the prior inventor, by permitting the public exposure for two years, at the Patent Office, of a model and drawings of the invention, without setting up any claim to the invention, has virtually abandoned the improvement, and is not entitled to the protection of the law.

### Annuling of Patents.

The Commissioner of Patents has no power to annul an existing patent. He can order an interference to be declared between an existing patent and a pending application for a patent for the same invention, and then require testimony from each party in order to substantiate the question of priority of invention. If this is proved by the applicant for the pending case, the Commissioner exercises the right to grant the second patent. The evidence produced in the examination would confer a *prima facie* right upon the successful party.

### Using Patented Devices after Extension.

The benefit of an extended patent inures solely to the original inventor and patentee, or to his legal representatives. An assignee for the first term of the patent only, cannot exercise any right or interest under the extended patent. This question has been determined by a decision of the U. S. Supreme Court. Assignees, however, who were using patented machines at the time of the extension, still possess the right to use the same specific machines under the extended term of the patent, but this right does not cover the manufacture of new machines, or their sale to other persons.

The language of the law on this point is as follows: "And the benefit of such a renewal shall extend to assignees and grantees of the right to *use* the thing patented, to the extent of their respective interests therein. This clause obviously permits only the using of the invention according to the interest in it, which is the *machine* and nothing more.

### License Laws of States.

With a view to protect their own manufactures, certain of our States have passed laws regulating the conditions upon which goods may be sold by itinerating merchants or peddlers within their limits. Persons interested in the sale of patented articles have often supposed that these laws could not prevent them from selling such articles, as, otherwise, the laws would conflict with our United States patent code, which gives to patentees and their assignees the exclusive right to make, use, and sell their inventions in all States and Territories within the jurisdiction of the United States Supreme Court. In this opinion they are evidently mistaken, as each State exercises the right to decide *what* shall be sold, and *how* it shall be sold, within its borders. Therefore peddlers of patented articles cannot sell them in any State where such laws exist, without obtaining a license from the proper authorities.

### Rights of Citizens who have Removed from the United States.

It not unfrequently happens that natives of the United States remove to the adjoining provinces, and remain there without taking any legal measures to dis sever their former political connection. Sometimes inventors have applied to us to know what rights they possess under such circumstances. The following opinion from the United States Attorney-General will enable all to decide for themselves how far removal has affected their citizenship. He says:—

"There is no statute or other law of the United States which prevents either a native or a naturalized citizen from severing his political connection with the government, if he see proper to do so, in time of peace, and for a purpose not directly injurious to the interests of the country. There is no mode of renunciation prescribed. In my opinion, if he emigrates, carries his family and effects with him, manifests a plain intention not to return, takes up his permanent residence abroad, and assumes the obligation of a subject to a foreign government, this would imply a dissolution of his previous relations with the United States, and I do not think we could or would afterward claim from him any of the duties of a citizen."

## INTERESTING LETTERS

### FROM INVENTORS AND PATENTEEES.

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The accompanying correspondence is but a small portion of that which has been addressed to Messrs. Munn & Co., testifying to their unparalleled success in prosecuting applications for patents. These letters are uniformly written in excellent taste, and reflect credit upon their authors. It is a mistake to suppose that inventors as a class are ignorant men; such letters as are herewith presented are a complete refutation of such an assertion.

Messrs. Munn & Co. have received hundred of such letters from their grateful clients, from all sections of the country. If republics are ungrateful, inventors are not.

MESSRS. MUNN & Co.:—I received my letters patent from the United States Patent Office. I return you my sincere thanks for getting it through so quick. I think you are friends to inventors—punctual, honorable, responsible men, and I wish you success. If I should have more patent business I shall know it is safe in your hands.

*Louisville, Ky.*

JOHN FAIRCLOUGH.

MESSRS. MUNN & Co.:—I have received the specification and claims on my invention; and just as some doubts as to unnecessary delay (a thing that too frequently happens to anxious inventors by patent solicitors who take in cases, and then take their own time to give them attention,) began to arise, they were dispelled by the reception of my voluminous papers; thus adding a new obligation of interest and fidelity to you. I say it sincerely and honestly, *the interest of the inventor is yours*. You have exceeded my expectations, both as to the character and also the extent of my claims; by them I feel fully protected. Please find within your very reasonable fee. For this and many other favors, receive my ardent gratitude.

*Troy, N. Y.*

PHILANDER PERRY.

MESSRS. MUNN & Co.:—I have forwarded the specification and drawings signed as directed. I return to you my sincere thanks for the very efficient manner in which you have drawn up the specification and claims for my invention, and I must confess you have earned double the money charged.

*Wheeling, Va.*

HENRY BENTER.

MESSRS. MUNN & Co.:—I received my letters patent on January 21. Please accept my sincere thanks for the prompt and expeditious manner in



which you have managed my case. I have taken the *SCIENTIFIC AMERICAN* more than two years, and would not do without it for more than twice the sum I have to pay for it.

*West Dummerstown, Vt.*

ABNER L. BUTTERFIELD.

MESSRS. MUNN & Co.:—I was very agreeably surprised this morning by receiving my papers from the Patent Office. I had no idea of the progress you were making with my case. You have certainly been very expeditious. I did not expect to get the papers for some time yet. Your system must be very perfect to accomplish so much in so short a space of time. I shall take great pleasure in recommending you among all my acquaintance who may have business with the Patent Office. Please accept my most sincere thanks for your services. I do not believe that I could have obtained the patent had I made the application myself or through any other agency.

*Philadelphia, Pa.*

E. A. GOODES.

MESSRS. MUNN & Co.:—I am pleased to acknowledge the receipt of my patent papers. I feel under obligations to you for the dispatch with which you have executed my business heretofore, and doubly so in this instance, as this completes every improvement necessary to make a perfect revolver.

*Middletown, Conn.*

EDWARD SAVAGE.

MESSRS. MUNN & Co.:—During the past three months I have employed you to prepare and prosecute six applications for patents, and I take pleasure in stating that all these cases were granted without any essential alteration in the papers. In all my experience as an inventor, which covers a space of twenty-five years, (my first patent was granted in 1834,) I have never had applications so thoroughly and satisfactorily prepared. Any one contemplating to procure patents has but to visit your immense establishment, and watch the complete system which governs it throughout—as I have done from day to day—to be satisfied that it is the place, above all others, to apply for information and professional aid in all matters pertaining to letters patent for inventions. Tendering to you and your efficient corps of examiners my thanks for the courtesy and fidelity shown to me and to my business, I am, gentlemen,

Your obliged friend,

*New York, Dec. 20, 1859.*

JOHN W. COCHRAN.

MESSRS. MUNN & Co.:—Noticing from time to time, in the columns of the *SCIENTIFIC AMERICAN*, extracts of letters from parties for whom you have acted as attorneys, complimentary to you, I beg to state my own experience in obtaining patents through your agency, as a testimonial of my appreciation of your ability in preparing patent papers and conducting cases before the Patent Office. Since 1855, I have made, through your office, eight applications for Letters Patent; six have been granted (not one of which was even temporarily rejected) and two are now pending before the Patent Office, on which I expect an equally good result. These facts you are at liberty to publish for the benefit of inventors who are about to apply for patents, and who are undecided as to whom to employ to do their business.

*Charlestown, Mass.*

WILLIAM FUZZARD.

MM. MUNN & CIE. :—J'ai reçu votre charmante lettre par laquelle vous m'annoncez que mon brevet d'invention m'a été accordé à Washington.

Veillez recevoir mes remerciements pour les souhaits que vous me faites et pour la célérité avec laquelle vous avez agi dans mon affaire.

Il est certain qu'on ne peut rencontrer nulle part une agence pour brevets instituée sur des bases plus larges et plus solides.

Quante à votre journal, auquel je suis resté constamment abonné depuis quelques années, je me plais à avouer que c'est un des journaux scientifiques qui m'ont le plus intéressé, et qu'il est vraiment digne du patronage que vous avez su lui faire acquérir.

Veillez me croire votre dévoué serviteur.

*New York le 31 Juillet, 1860.*

F. DE COMPOLORO.

MESSRS. MUNN & Co :—I received my Letters Patent for my first application two or three days ago. I need not say I am well pleased with the obliging courtesy and promptitude which have characterized your exertions for me. While in the eastern States last winter, I visited some other patent agencies, thinking that, as they were less widely known, their fees would be smaller; but I found them to be fifty per cent. higher, while their facilities for doing business were many hundred per cent. lower. If your modesty will allow, I would be glad to see this published in your columns for the benefit of a host of inventors.

*Adrian, Mich.*

J. L. G. WARD.

MESSRS. MUNN & Co. :—On the 16th inst. I received from the Patent Office my Letters Patent on "Improvement in Locks," dated March 15th. I wish to express my obligation to you for the clearness with which you have described the principles of my claim in the specification, and the promptness with which you have obtained the papers. It fully confirms the reputation of your agency for correctness and dispatch in that business.

W. S. KIRKHAM,

*Branford, Conn.*

*Secretary of the Squire and Parsons Manuf'g Co.*

MESSRS. MUNN & Co. :—I have just received your last, and also my Letters Patent from the government; I was truly glad to do so, as (like all the rest of mankind) I always like to meet with success in all my undertakings. At the very onset, however, your well-known reputation for thoroughly presenting all your cases at the Patent Office was a sufficient guarantee that success would certainly crown my application if the case was worthy of it. Please accept my thanks. I shall take pleasure in recommending your firm to persons desiring to secure patents.

*Boston, Mass.*

D. WELLINGTON.

MESSRS. MUNN & Co. :—I am happy to acknowledge the receipt to-day of yours, together with the Letters Patent for my lock. I feel myself under obligation to you for the accuracy and dispatch with which my business has been carried on; and though, if I fail, I have spent more money than I can well afford, I will still have the satisfaction of knowing I have tried.

*Western Reserve College, Hudson, Ohio.*

O. B. THOMPSON.

MESSRS. MUNN & Co.:—I need not assure you of the great pleasure I feel in tendering you my heart-felt thanks and gratitude for the prompt and efficient manner in which you have conducted my business with the Patent Office, and brought my case to a favorable close.

*Albany, N. Y.*

W. HARVEY.

MESSRS. MUNN & Co.:—Yours of the 6th inst. has been duly received, bringing intelligence of your success in procuring a patent for our railroad car-brake, which is glorious news to me; and to you I shall have to attribute praise for your skill in conducting a case which seemed so difficult. "All's well that ends well."

*Bart, Lancaster Co., Pa.*

J. MOORE.

MESSRS. MUNN & Co.:—It may not be uninteresting to you to hear how we have succeeded with our washing machine. It is now a little over two months since we received our patent through your agency, since which time we have sold over *ten thousand dollars'* worth of rights for manufacturing, and have not been out of two counties to do it. Our machine has taken the first premium at every fair where it has been entered, and, in a number of instances, preceded four to ten other machines.

*Princeton, Ill.*

A. R. BODLEY.

MESSRS. MUNN & Co.:—I received my Letters Patent, and am highly satisfied with the prompt and careful manner in which you have managed the business. Your charges have been no more than I had to pay to another agent for the case I trusted him with, and which he lost. I am confident, had I trusted my previous case to you, I would have been saved the cost of an application.

*Cleveland, Ohio.*

J. MCKENZIE.

MESSRS. MUNN & Co.:—It will be only the just dictate of gratitude should I express my high appreciation of yourselves for the liberality and promptness with which you have carried my late patent to a successful issue. I particularly admire your sagacity, as well as honesty, in discovering and securing an important claim, which I saw not; and I shall not be slow to recommend your patent *corps* to many inventors who need such assistance; indeed, sirs, I have thus recommended you, and have secured several applications, and another important application, through my influence, will shortly be made to you.

*Troy, N. Y.*

PHILANDER PERRY.

MESSRS. MUNN & Co.:—I have much pleasure in informing you that I have this morning received my third and last patent, secured through you, for improved machinery for cutting corks and bungs, from the Patent Office in Washington. All the claims I put in are allowed, and all my hopes and expectations are, thus far, completely realized. In the midst of my satisfaction at this successful issue of many years of arduous labor and study, a feeling of joy and thankfulness pervades my mind at the thoroughly business-like tact and masterly style which you have at all times displayed from the first commencement of my intercourse with you, in conducting and forwarding my several applications for patents through their several stages of advancement—from the first rough embodiment of my ideas down to



their triumphant completion, which I behold in these elaborate and (to me) invaluable documents (the patents and assignments) which are now lying on my table, bearing the broad seal of this great republic of science, literature and commerce. These papers explain and describe, in the most beautifully simple, lucid and concise terms, the particulars of my inventions and improvements already referred to, and reflect the greatest possible credit on their talented compilers. Permit me further to express my sentiments of gratitude and delight for the very courteous treatment I have invariably received in your office, both from yourself and from every *employé* in your establishment. If the publication of this letter (which I have penned from motives of duty, and as only a just acknowledgment of the immense services you have rendered me) will be agreeable to you, I fully authorize you to make this or any other use of it you may think proper.

*Boston, Mass.*

E. CONROY.

MESSRS. MUNN & Co.:—I have duly received from the Patent Office a patent for improvements in hot-air engines. Pray accept my best thanks for your potent aid in the matter.

J. ERICSSON

MESSRS. MUNN & Co.:—My papers are duly to hand, and I am very well pleased with them, and if I have any more patents to apply for, I will pass them through your hands with pleasure.

*Raymond, Miss.*

• J. G. ROUX.

MESSRS. MUNN & Co.:—Please accept my sincere thanks for the prompt and satisfactory manner in which you have managed my business—in which you have well sustained the high reputation you possess for promptly and thoroughly presenting all your cases at the Patent Office. I shall take pleasure in recommending your firm to persons desiring to secure patents.

*Reading, Pa.*

A. P. TUTON.

MESSRS. MUNN & Co.:—My patent for direct-acting engines was issued on the 5th and received on the 7th, for which receive many thanks, for the prompt, efficient, and satisfactory manner in which you have conducted my business. I shall take great pleasure in recommending you to all my friends as honest and trustworthy, competent, and every way qualified to conduct the business of securing patents.

*Ta aqua, Pa.*

H. CLAYTON,

*Super. of Machinery, Little Schuylkill Nav. Rail and Canal Company.*

The same gentleman, writing again, remarks:—"Your manner of conducting my business has been satisfactory, and the assurance you made of succeeding inspired me with an unusual share of confidence. Permit me again to return my sincere thanks, and to hope that inventors generally will patronize you (more especially the laboring class of mechanics) as a firm who does not exact more than a reasonable fee, and whose advice to them is of incalculable value."

MESSRS. MUNN & Co.:—My Letters Patent for an improvement in Beehives (for which an application was made through your agency) are at hand. I can say I am truly gratified with the result, and with the promptness and efficiency manifested by you in its procurement; and I shall, with



pleasure, recommend your agency to all who may desire assistance in obtaining patents, or who may wish for information on that subject.

*Zanesville, Ohio.*

DANIEL ARNDT.

MESSRS. MUNN & Co.:—I have just received my Letters Patent, the issue of which you had previously announced to me by mail. I am very much obliged and thankful for the manner in which you have brought my claims to a satisfactory conclusion. I have felt considerable anxiety about the success of the application; my residence being so far distant, and our mails here being very unreliable, letters being sometimes detained nearly three weeks on their way to New York. If I should have any other application, I shall certainly apply to you, and shall also take pleasure in recommending your firm to my friends. Please let me know, by next mail, what you will charge me for engraving and publishing my invention in the *SCIENTIFIC AMERICAN*, and furnishing 400 copies of that very valuable journal, as the distribution of such copies among sugar-planters would certainly be of immense advantage to me.

*Baton Rouge, La.*

J. J. UMBEHAGEN.

MESSRS. MUNN & Co.:—I have just received from you the satisfactory intelligence that my patent is "put through" at Washington. I have been chagrined at hearing from some persons that my patent would not be granted without further fees: and that some other persons would have done it better, and in a shorter time; and the next news I would get would be "some difficulty, and more money wanted." Now, I can prove the falsity of such assertions. I would have enclosed a year's subscription to your valuable *SCIENTIFIC AMERICAN*, but I intend to exert myself to get up a *club* for it, and there would be better chance for getting one up after harvest. I have got another invention, and you will soon hear from me again. At present, it is due to you for me to say, that I have never had business done more promptly or satisfactorily.

*New Brighton, Va.*

J. C. RAINBOW.

MESSRS. MUNN & Co.:—You will please accept my thanks for the prompt manner in which you attended to my business in the Patent Office. I feel in duty bound to do what I can to extol both your manner of doing patent business and conducting the *SCIENTIFIC AMERICAN*. I am an old practical tanner, (almost 60 years of age,) and unable to work as usual by the day or month; but I have had experience of many different modes of tanning in various parts of the world, and I am familiar with many very important matters that are unknown to other tanners. During a period of 28 years, I have worked in England, Ireland, Scotland, Bengal, (India,) Cape of Good Hope, France, Lower and Upper Canada, and in the United States; and as a man of truth and soberness, I will willingly *give instructions* in the above art to any person who will address me, enclosing a postage-stamp for return of mail. Your humble servant,

*Dubuque, Iowa, Aug. 5, 1860.*

ALEX. HILL.

MESSRS. MUNN & Co.:—I return my sincere thanks for the active part you have taken in obtaining the patent for the Excelsior Grain-cleaner in so short a time. I have had full satisfaction from the commencement

of our interview until I received my patent papers on July 28th. I expect to soon have another machine ready for your examination.

Very respectfully yours,

*Fairview, N. Y., Aug. 6, 1860.*

MATTHEW BARTHOLOMEW.

MESSRS. MUNN & Co.:—I am in receipt of my Letters Patent bearing date June 26th, and need scarcely add I am much pleased with the promptness which you have shown in this as in other business transactions I have had with you, for which accept my best thanks. I only forwarded my claim to you on June 2d. I make this note from the fact that, on a former occasion, some years ago, when I applied for a patent without your aid, and after five months' delay my claim was rejected on some frivolous ground; I then employed and paid a patent agent in Pittsburgh, and as I felt persuaded my claim was a legitimate and just one, I proceeded to Washington. When in the federal metropolis, I was obliged to pay another patent agent, and after considerable time and expense and great inconvenience, I succeeded in establishing my claim, and received a valuable patent.

Yours respectfully,

*Chicago, Ill., July 31, 1860.*

JOHN SWEENEY.

MESSRS. MUNN & Co.:—I only write to say that your prompt and efficient attention to the business entrusted to you has given me entire satisfaction, and I will take pleasure in the future (as also in the past) in recommending your Patent Agency, and that valuable paper, the SCIENTIFIC AMERICAN, whenever opportunity occurs.

*Washington, Geo.*

SAMUEL BARNETT.

MESSRS. MUNN & Co.:—I am happy to inform you that I am likely to realize a fortune from my combined vise and saw-set. I have an agent who has sold rights for the New England States amounting to over \$6,000, or more than \$1,000 a State; and if all the States in the Union were sold at that rate, the sum must amount to at least \$25,000. I shall want you to do some more business for me before long.

*Unionville, Ct.*

NORMAN ALLEN.

MESSRS. MUNN & Co.:—My Letters Patent arrived to-day. Please accept my thanks for the prompt and handsome manner in which my affair has been managed. I hope to realize something from it. I have your circular, and am trying to form a club for the SCIENTIFIC AMERICAN, but this is mostly a farming community, and they, as a class, do not feel like taking a scientific paper.

Yours truly,

*Watertown, Conn., June 20, 1860.*

H. M. WALKER.

MESSRS. MUNN & Co.:—Your favor of the 24th inst. is duly received, and contents noted; and in reply allow me at once to return to you my most grateful acknowledgments for the very prompt and energetic manner in which you have conducted my business to a successful termination before the Patent Office. My very feeble health alone has prevented me from having two more cases ready for your prosecution. As to recommending your agency to others, this I can do most heartily, from a thorough conviction of your unbounded facilities and very superior ability to transact business in your line; and as to your invaluable paper, the SCIENTIFIC AMERICAN, I am happy to confess myself its most enthusiastic

friend and advocate, and I shall take pleasure in promoting its circulation in this community. As to my invention, (the improved Car Coupling,) I think you may safely set it down among the "important inventions." One railroad company that has had it on trial for some weeks, have acknowledged the fact that, if they had used it on their road for the last year, it would have saved them \$40,000 in repairs, to say nothing of the loss of life. Congratulating you upon the high position you have attained before the public as patent agents, and the success of your publication, I remain,

Yours, &c.,

*Farmington, Ill., July 30, 1860.*

J. P. MENDENHALL.

MESSRS. MUNN & Co.:—I received my patent papers all right, and I am very happy to express my thanks to you for doing the business for me right and well in every respect; and I shall recommend all my friends to you when they have any patent business to do. I shall call on you again as soon as I can get time to make a model; I have made some additional improvements. I shall also seek your counsel in regard to the general question of infringements; although no one, as yet, has claimed that I infringe on them, I yet wish to investigate the matter, and if I infringe where I cannot avoid, I desire to make arrangements with the party without trouble.

Yours, &c.,

*Springfield Centre, N. Y., Aug. 24, 1860.*

J. W. SHIPMAN.

MESSRS. MUNN & Co.:—My Letters Patent came to hand yesterday. I am exceedingly grateful to you for the success you have had in obtaining me a patent on my Rotary Engine. I was surprised at the accuracy of the drawing and the skill of the draughtsman. I am well pleased that I employed you. When I commenced, I thought that I would do my business with the Patent Office myself; but I afterwards considered that I had better employ you to do it, and I find that I acted wisely; for, if I had gone on myself, I would not have got a patent upon the first trial, and probably not at all; but if I *had* got one, it would not have been so definitely set forth in the claims. I shall take pleasure in recommending you as agents.

Yours respectfully,

*Ottawa, Ill., Aug. 3, 1860.*

SAMUEL T. RUSSELL.

MESSRS. MUNN & Co.:—I was extremely gratified to receive, on the 25th inst., my Letters Patent for a Belt Coupling. I must say that, in my opinion, they are the handsomest looking documents I ever saw; and I cannot refrain from expressing to you my sincere thanks for the manner in which you have conducted the case throughout.

*Cincinnati, Ohio, August 26, 1860.*

CHAS. FAIRFAX, JR.

MESSRS. MUNN & Co.:—I am in receipt of your note giving me the information that the application made through your agency has met with success, and also am in receipt of the Letters Patent from Washington. Accept my sincere thanks for the promptness and ability with which you have conducted my case. I can cheerfully unite my humble voice to scores of others in recommending your agency in all business connected with the Patent Office. The promptness and dispatch with which all communications are attended to, and the concise and comprehensive form in which the claims, &c., are arranged, are sufficient guarantee to insure success to any



applicant. I am much pleased with the drawings, for they exactly represent the very idea I wanted to convey. All to whom I have shown the "papers" are greatly pleased with them; and since I conceived the idea of the "guard," some five or six persons have been induced to concentrate their thinking faculties and "try their luck" at the patent business as inventors. Two have already obtained patents through your office, and the others are still hard at their contrivances. As to the *SCIENTIFIC AMERICAN*, I wish my efforts could make it universally read; for I think there would then be a more general appreciation of the arts and sciences, and mechanics would be admitted to that position in society which is justly their due.

*Portsmouth, Va., May 9, 1860.*

B. S.

MESSRS. MUNN & Co.:—I have the great pleasure of acknowledging the receipt of my Letters Patent for reversing cultivator teeth. This case was presented to the Patent Office some six months ago; but owing to defects in my specification and claim, the application was rejected. No doubt many inventors, who have undertaken (as I did) to prosecute their own applications, have experienced the same results and abandoned their just rights in a valuable invention, when a patent might have been obtained had they employed competent attorneys. It is two things, to *invent* and to *secure a patent*. The energy with which you prosecuted my case to a successful termination, and the ability exhibited in framing my specification and claims, show your devotedness to the inventor's rights, and that you richly merit your extensive reputation.

*Bristolville, Ohio, April 19, 1860.*

HEMAN B. HAMMON.

MESSRS. MUNN & Co.:—It is with pleasure that I write to inform you that I have received patents for my Pea and Bean Huller and Crane, for which you will please accept my thanks, as I feel under many obligations for the prompt manner in which they were obtained, and shall most cheerfully recommend your agency to any of my friends who may be desirous of obtaining patents. Very respectfully,

*Portsmouth, Va., August 2, 1860.*

JAMES P. SMITH.

MESSRS. MUNN & Co.:—I am in receipt of my Letters Patent, and I am well pleased with the work throughout. I have sold territory to the amount of \$1,200. Yours, with respect,

*Middle'own, Iowa, June 18, 1860.*

J. N. RANKIN.

MESSRS. MUNN & Co.:—You will please accept my thanks for the promptness and dispatch you manifested in procuring my patent for pipe-molding machinery. I received my papers yesterday; consequently you will see, by referring to the date on which I left my model at your office, (March 26th,) that it has all been done in less than six weeks. Considering that my invention was a complicated machine, and that one of the claims was rejected and the papers had to be sent back to New York for alterations, I think you have done up my business in "A No. 1" style and at railroad speed. I will advise all inventors that I may come across to give their business to your office by all means. You recollect that I took my case from —, after he had kept it in his office for six weeks; while *you* have only taken the same time to get it through the Patent Office that it took him to get his papers ready. If I ever have any more business of



this kind, you may depend I shall know where to get it done from this time forward.

*Albany, N. Y., May 8, 1860.*

WILLIAM DOYLE.

MESSRS. MUNN & Co.:—I hasten to acknowledge the receipt of your favor of April 30th, containing the gratifying intelligence that my Letters Patent are granted. My thanks to you, for the speedy and efficient manner in which you have conducted my case, are more abundant than words can express. My first knowledge was that my invention was a *valuable* one; and I now know that the right is granted whereby I can obtain that value, which is, of course, exceedingly gratifying. My influence for the future shall be directed in your behalf. You will soon receive another case from

*Albion, N. Y., May 1, 1860.*

N. S. GILBERT.

MESSRS. MUNN & Co.:—Your letter announcing our good fortune has been this day received. Many thanks to you for the skill and energy which you have displayed in obtaining a patent for us. We had expected such a result, notwithstanding the case had been twice rejected; because we believed you to be above the too common trick of attorneys of holding out false hopes to their clients. We hope this is not the last patent we shall have the pleasure of obtaining through your agency, and wish you success both as patent-attorneys and editors of the *SCIENTIFIC AMERICAN*.

*Birmingham, Conn., May 1, 1860.*

CHURCH & ELLSWORTH.

MESSRS. MUNN & Co.:—A conviction of duty and obligation has been burdening me for some time, in reference to an acknowledgment I deem justly due to the great "American Patent Agency," for the prompt and efficient service rendered in making out specifications, the beautiful drawings of models, and the obtaining numerous patents within two years past, without a *single failure*. I once thought I could make out my own specifications and drawings, but I am thoroughly convinced it would have been greatly to my disadvantage, had I attempted it. I have often been delighted when a specification has been sent to me for my signature, to discover the tact, skill, and talent displayed in the choice of words, and of the phraseology used in describing and making perfectly clear the novel features and new points desired to be brought out. In one or two instances there were important points made clear, that I had not discovered myself in my own model

I take pleasure, yea, pride in affirming my conviction that the great American Patent Agency, and *SCIENTIFIC AMERICAN*, combined, are wholesale benefactors of this entire country, and of *inventors in particular*. The Scripture affirmation is, that the truly benevolent or Christian man "seeks his neighbor's wealth." There is a justifiable pleasure and pride in doing good to others, in lightening the burdens of this life, and causing prosperity and good cheer to spring up almost unexpectedly in thousands of widely separated families. The golden sands of useful truths and of scientific facts come tumbling along every week from the *SCIENTIFIC AMERICAN* into our families, to such an extent and of such a character that I often regret that every progressive family (or susceptible of being made progressive) could not be furnished with the perusal of its luminous pages. The sentiment advanced in one of the back numbers of your journal,

that "the greatest discoveries have been made in leaving the beaten tracks of science and going into the by-paths," struck me as a useful fact, and is "an apple of gold in a picture of silver." I wish to say further, as facts are what we have to do with to a great extent, that moderate prices and *fair dealing* have characterized all my transactions with the Scientific American Patent Agency.

I am in the receipt, this day, of your note informing me that my patent is ordered to be issued. This is the more gratifying as I have this day made a successful trial of the horse rake; it works to a charm. From six to twelve pounds is all the power necessary to be applied with the foot. A boy twelve years old can work it with ease. Please accept my thanks for your numerous favors.

Worcester, Mass., September 5, 1860.

J. C. STODDARD.

MESSRS. MUNN & Co.:—Allow me to thank you for the assistance you have rendered Mr. Littlepage and myself by inserting in your columns the article in regard to the tests of water-wheels. We regard it as another evidence—

1. Of your aim to publish correct data only, and to lay doubtful information, from whatsoever source, open to correction; truth suffering nothing from investigation and discussion.

2. That you will extend even justice to all, though unknown and from "Texas."

You can hardly be aware how cheering it is to a poor inventor, accustomed to meet with a doubtful shrug of the shoulder in the way of assistance, to find that with MUNN & Co., at least, he stands on the same footing with a "nabob," and will find such protection as even-handed justice would dictate and the public interest will allow.

Many a struggling inventor would gather strength from this knowledge, to overcome the many difficulties he encounters in mounting the first round of the ladder of success.

To this I would add my feeble testimony in stating that inventors need not fear of being led on or encouraged by your establishment to spending their money in the pursuit of inventions such as, in your opinion, would not remunerate the applicant. At least several of mine, of doubtful nature, have been returned to me with the advice to experiment with them, simplify them, and to test them as to their value and usefulness, &c.

When it is remembered that an inventor is generally slow—very slow—in discovering the defects of his own productions, such disinterested advice can not be too highly appreciated, although it may tear down "castles built in the air," and thereby prevent *greater* disappointments and loss of money.

Austin City, Texas, September 5, 1860.

ROBERT CREUZBAUR.

MESSRS. MUNN & Co.:—I am happy to inform you that my Letters Patent have just been received from Washington, for my improved buggy plow; and you will please accept my sincere thanks for the very prompt and efficient manner in which you conducted my case at the Patent Office. I would further say, that you have secured all my business at the Patent Office for the future, and that of all my friends, as long as you conduct business as satisfactorily as in the present case.

Kansas City, Mo., October 4, 1860.

EDWIN J. FRASER.

MESSRS. MUNN & Co.:—We have received our Letters Patent from Washington. Just one month from the time we acknowledged our papers and forwarded them to you, we were in receipt of our patent deeds. This, as well as other business we have had with you, was promptly attended to, and increases our confidence in your agency, so that we shall endeavor to increase your list of clients, and engage your able counsel in all cases of the same kind we may have hereafter. For your energy and prompt attention to our case, you will please accept our most sincere thanks.

*Beartown, Pa., October 5, 1860.*

G. W. & J. J. KERSEY.

MESSRS. MUNN & Co.:—I was at last compelled to employ you as agents to "fix up" my re-issue papers for a sugar evaporator; and I must say it is well done, and would have saved much difficulty if I had employed you to attend to my case in the first instance. I am not sure but that my present application for an improvement in ——— will have to be fixed up by your firm yet. Respectfully,

*Mansfield, Ohio, Jan. 6, 1860.*

D. M. COOK.

MESSRS. MUNN & Co.:—I have the pleasure to inform you that I received my patent papers from Washington on December 31st; and I ought to have informed you before this, with a grateful acknowledgemnt for the skilful manner in which they have been got up by you. I have also the pleasure to acquaint you that I have sold one half of my interest for \$10,000. This is my fifth application to the Patent Office. On my first I prepared the papers myself and got a patent; the second and third I lost by employing bungling agents; the two last I obtained through your house; and I am in hopes you will hear from me shortly in the same way, believing it to be the *cheapest, surest, and most expeditious* mode of obtaining my rights.

*Athens, Ga., Jan. 7, 1860.*

R. S. S.

MESSRS. MUNN & Co.:—My patent came to hand this day, accompanied by your letter, &c. From the reading of the document I feel induced to bless you, as it is a much better patent than I expected. I have already contracted and sold the right of territory for over \$1,000, and yet the papers are not quite ten days old! Truly I am in luck this time, and I shall always remember you with sincere thanks. I shall have another application to send you soon. As soon as the snow is gone I shall procure an ambrotype of my machine at work, and send it to you, that you may further assist me by giving a display in your invaluable SCIENTIFIC AMERICAN.

*Lockport, Ill., Jan. 18, 1860.*

J. L.

MESSRS. MUNN & Co.:—I received your note in due time, stating that my Letters Patent were ordered to issue. I assure you it was gratifying intelligence to me; and you will please accept my sincere thanks for your services in prosecuting my case before the Patent Office. I shall take great pleasure in recommending you as prompt and skilful patent agents to my friends. I have conversed with manufacturers and patentees who have done business with you, and all unite in giving you the highest praise.

Respectfully yours,

*Lyndon, Ill., March 12, 1860.*

B. E. ORTON.



MESSRS. MUNN & Co.: Dear Sirs—We received your letter of the 28th ult. in due time, bringing to us the gratifying intelligence that you had been successful in conducting our patent case. We received our Letters Patent on the 9th inst. We feel under obligations to you for the manner in which you have executed our drawings, and for the promptness with which you have prosecuted our case through the Patent Office; and we assure you that if we should ever make application for another patent, it shall be through the medium of your agency, and shall commend you to our friends or any whom we may find desirous of procuring patents. We will also do all we can to extend the circulation of your valuable paper.

We remain, your obedient servants,

*Nashport, Ohio, March 12, 1860.*

H. GARTNER,  
J. McCANN.

MESSRS. MUNN & Co.—Gentlemen:—The patent for my improved steam-boiler came to hand a few days ago. I am much pleased with your promptness and success in obtaining me my Letters Patent, and shall take great pleasure in recommending you to my friends.

Respectfully, your obedient servant,

*New Orleans, La., March 13, 1860.*

JOHN ARMSTRONG.

MESSRS. MUNN & Co.:—Verily, you are not mere agents, but true and sincere *friends* to patentees and inventors. You have got granted to me more than I ever expected, or even dared to ask for. I deeply appreciate your kindness, and shall not fail to reward you handsomely in case I should make anything by my invention. Meanwhile, accept my heartfelt thanks for your generosity. I am, with sincere respect, your obedient servant,

*Trenton, N. J., March 15, 1860.*

C. PRETSCH.

MESSRS. MUNN & Co.:—Yours of the 10th inst. was received this morning; please accept my thanks for the information therein, and for the able manner in which you have prosecuted my claims before the Patent Office. Be assured that I shall use every laudable means to further the success of your agency and that of your indispensable paper—the SCIENTIFIC AMERICAN—which I consider should be in every mechanic's house. I have given to three apprentices the paper for one year, and I find, upon inquiry, that they have already improved by the perusal of it.

*Charleston, S. C., March 18, 1860.*

S. DAGGETT, Jr.

MESSRS. MUNN & Co.:—I feel truly grateful to you for the privilege of informing you that I am in receipt of my Letters Patent, which came to hand on the 10th inst. I was much pleased with their appearance. The drawings are so perfect that they hardly need explanation to enable a person to understand the working and construction of my machine.

*Chelsea. Ill., March 25, 1860.*

W. W. GREEN.

MESSRS. MUNN & Co.:—I am indeed under obligations to you for the promptitude with which you have conducted that business, and trust that your success in obtaining the patent will enable me ere long to show to you my gratitude for the kindness and indulgence you have on former occasions extended.

*Easton, Pa., March 26, 1860.*

W. BUSHWICK.



MESSRS. MUNN & Co.:—Accept my sincere thanks for the promptness and efficiency with which you have conducted my case through the Patent Office. I had scarcely hoped to have heard from it before another month (at least) had passed, seeing the very many applicants that are constantly pressing their claims. I shall certainly recommend others to present their inventions through you. I have now under my eye a very poor man, of some sixty years, or more, who is struggling to get his application considered, but finds himself involved in constant trouble and difficulty. I have not failed to urge him to take the same course, not doubting that you will inform him faithfully whether his invention is as valuable as he supposes, whether it is patentable, and whether likely to clash with other patents. I shall now add the stimulus of your success in my case, and again urge him to confide his claim to you.

I remain yours, with sincere thanks,

Philadelphia, Pa., April 4, 1860.

S. CHAMBERLAIN.

MESSRS. MUNN & Co.:—Yours, of the 2d inst., has come to hand, and I hereby tender you my sincere thanks for the efficient and energetic manner in which you have carried my case through to a successful termination; and when opportunity offers, I will take pleasure in recommending all having business at the Patent Office to employ you, as being *safe and honorable men*.

Toledo, Ohio, April 6, 1860.

J. K. LEMON.

MESSRS. MUNN & Co.:—On March 26th, I received a letter from you, stating that you had been successful in prosecuting the business I entrusted to your care. Yesterday I received the Letters Patent, which confirmed your statements. I was much pleased with the description and claims, and was satisfied that the originators are *competent and experienced men*. Please accept my thanks for your services in the prosecution of my case at the Patent Office, and be assured that if any of my friends have business to transact in your line, I will recommend them to you.

Utica, N. Y., April 6, 1860.

G. K. BABCOCK.

MESSRS. MUNN & Co.:—Your polite note of the 2d inst. came to hand yesterday, bearing the news that my last application was granted. You may well imagine the enthusiasm that filled my heart at this result, for the anxiety I have had since the case was in your hands can only be realized by those in similar circumstances. I applied for a patent on my cultivator tooth, and on the hand corn-planter (patented the 6th of last month) nearly six months ago; both cases were *rejected*. The corn-planter I finally got through myself. The other case my judgment dictated (after the bad luck had been sadly experienced) should be confided to MUNN & Co. The case was energetically prosecuted by your successful agency, and it "passed the Rubicon." I can but again express my heartfelt thanks for your success; had the case been rejected my hopes and happiness would have been greatly blasted.

Bristolville, Ohio, April 7, 1860.

H. B. HAMMON.

MESSRS. MUNN & Co.:—I have not before had an opportunity of expressing to you my sincere thanks for your prompt and upright way of transacting my patent business, and if I have any other business I will

certainly solicit your aid. I have considerably simplified my lock, so as to make it applicable to banks and other places where safety is required. There is one thing in your system of obtaining patents that is alone worth (to an inventor) all your fees; and that is the explanation you give, (in the weekly list of your claims,) at the end of each patent obtained by you. I am astonished at any one employing any other than yourselves; and such as do cannot be constant readers of your valuable paper, the SCIENTIFIC AMERICAN.

*North Adams, Mass., April 9, 1860.*

[C. DUCKWORTH.]

MESSRS. MUNN & Co.:—I have received the two patents issued the 10th inst., which makes three that I have received through your agency within the last four weeks. It is indeed gratifying to do business with business men, who understand their business, and have the facilities in every department to accomplish what they undertake. *Every case, thus far, which I have placed in your charge, has been successful.* The one now before the Patent Office, I trust, will meet with the same result, as also the one before the English office. Inventors should be doubly cautious in whom they trust their cases. Several years ago I lost one by bad management of an agent in Washington city. Your success has more than met my most sanguine expectations, and hereafter it will afford me the greatest pleasure to recommend you to all my friends, and inventors generally.

Respectfully yours,

*Trenton, N. J., April 16, 1860.*

J. E. EMERSON.

Mechanics, Inventors, Manufacturers, Farmers, and Millwrights.

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P R O S P E C T U S

OF THE

Scientific American.

THIS work differs materially from other publications, being an Illustrated Periodical, devoted to the promulgation of information relating to the various MECHANICAL and CHEMICAL ARTS, MANUFACTURES, AGRICULTURE, PATENTS, INVENTIONS, ENGINEERING, MILL WORK, and all interests which the light of PRACTICAL SCIENCE is calculated to advance.

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Reports of American Patents granted are also published every week, including Official Copies of all the PATENT CLAIMS. These Patent Claims are furnished from the Patent Office Records expressly for this paper, and are exclusively published in the SCIENTIFIC AMERICAN.

The contributors to the SCIENTIFIC AMERICAN are among the most eminent scientific and practical men of the times. The editorial department is universally acknowledged to be conducted with great ability, and to be distinguished not only for the excellence and truthfulness of its discussions, but for the fearlessness with which error is combated and false theories are exploded.

Mechanics, Inventors, Engineers, Chemists, Manufacturers, Agriculturists, and people in every profession of life, will find the SCIENTIFIC AMERICAN to be of great value in their respective callings. Its counsels and suggestions will save them hundreds of dollars annually,

besides affording them a continual source of knowledge, the value of which is beyond pecuniary estimate. Much might be added to this Prospectus, to prove that the SCIENTIFIC AMERICAN is a publication which every Inventor, Mechanic, Artisan, and Engineer in the United States should patronize; but the publication is so thoroughly known throughout the country that we refrain from occupying further space.

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## OPINIONS OF PATRONS.

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Since the commencement of the "New Series" of the SCIENTIFIC AMERICAN, the circulation of that journal has steadily increased, and it is now greater by many thousands of copies per week than ever before. The public sentiment in approbation of the enlargement and change of form is universal, and the patronage is proportionate. The proprietors do not attribute this prosperity solely to their own exertions, however; they consider that their success is much due to such kind friends as the writers of the following complimentary letters, and of scores of similar ones, which they are daily receiving from all parts of the country:—

MESSRS. EDITORS:—Pardon me for saying that No. 1 of your "New Series" is one of the greatest improvements that has been ever made in any paper in this country; and now the SCIENTIFIC AMERICAN seems, in its various departments, to be perfect. I have taken it for eight years, part of the time by subscription and the rest of the time of the news agents, and I find it of increasing value each year.

*Aurora, Ill., July 16, 1859.*

J. M. B.

MESSRS. EDITORS:—Since I had the pleasure of receiving the back numbers of your interesting and instructive journal, I have shown specimens to several influential manufacturers and intelligent mechanics in this vicinity. One man told me that he had *twice* obtained five dollars for a *single recipe* that he copied out of the SCIENTIFIC AMERICAN, which he has taken regularly for several years; and I presume this is not an isolated case, by many hundreds. It is just such journals as yours that are annually condensed into encyclopedias, the compilers of which roughly scoop off the cream of all the new discoveries in science and art that have been recorded in the columns of various periodicals during the year; but the facts set forth in such annual works are often so mutilated or distorted in the condensation, and so meagre in outline, as to be practically of no value. Every mechanic and farmer in the land should subscribe for the SCIENTIFIC AMERICAN, not only for his own benefit, but also that of his children; he may have a Franklin or a Fulton, a West or a Watt, in that little marble-player whom he pets in his leisure hours; and the natural bias of the child's mind toward mechanical or agricultural pursuits requires to be confirmed or further developed by intellectual nourishment of such a quality and quantity as can be derived only from a journal like your own.

Let me encourage you, gentlemen, in your great enterprise. Perhaps we need light and elegant literature; we may even need "chess columns;" but let the SCIENTIFIC AMERICAN continue to teach the people how to realize Dean Swift's prayer—"make *two* blades of grass grow on the spot where only *one* grew before;" let it still increase the mechanical and agricultural knowledge of our artisans and farmers, by publishing the latest

discoveries in science and improvements in the arts; and then its editors will have the noblest reward—that of being considered the “guardian angels” of genius, the champions of inventors, and the “prime motors” employed in developing the highest physical and intellectual resources of this great country.

Camden, Ark., Sept. 30, 1859.

W. A. SHAW, M. D.

MESSRS. EDITORS:—I have been a regular reader of that excellent paper, the SCIENTIFIC AMERICAN, for the last five years; and my judgment corroborates the assertion of many of my male acquaintances engaged in mechanical pursuits, that no other journal published in this country, or perhaps even in the whole world, so constantly, faithfully, and vividly records the onward and rapid march of *mind*, and the daily extension of its influence over matter, in the fields of art, science, and general literature. It is the only paper which devotes all its energies to the promotion of the best interests of the mechanic and the inventor, and which, dispelling the clouds of doubt and anxiety that often veil the eyes and oppress the hearts of many men and women of genius, throws widely open the portals of the vast halls of discovery, and exhibits, in the far-off but brilliant vista of the future, a destiny more glorious than that which ever was appointed to the greatest monarchs—the admiration, honor, and blessing which are invariably given by posterity to those who, during their lifetime, justly earned, by the ingenious embodiment of such of their intellectual creations as were practically useful, the proud title of benefactors of mankind.

San Francisco, Cal.

MRS. M. L. VARNEY.

MESSRS. EDITORS:—Please accept my best wishes for the continued prosperity of your truly valuable publication. I believe I have the honor of being among the oldest of your subscribers in this part of the State; and have invariably and *conscientiously* recommended your paper to my acquaintances, and particularly my mechanical friends; and, I think, not altogether without effect.

Sumter, S. C., April 11, 1860.

T. J. COGHLAN.

A correspondent, writing from Buffalo, says, in speaking of the value of the proposed enlargement of the SCIENTIFIC AMERICAN to its host of readers:—“I would as soon think of going without supper on Thursday night as neglect to call at the bookstore for the *Paper of papers*; and I am proud to say that I have influenced many others to ‘Go and do likewise.’ I have my volumes complete and nicely bound from Vol. V.; and should poverty ever compel me to sell my library, my *Bible* and my SCIENTIFIC AMERICAN should remain to grace the otherwise empty shelves.”

MESSRS. EDITORS:—In your inestimable publication, exclusive of the valuable information which it constantly conveys to the studious mind, I often find remarks which—to use a plain expression—“hit the nail on the head.” I now find, on page seventy-one of the present volume, these lines:—“The greatest discoveries have been made in leaving the beaten tracks of science and going into the by-paths. Let inventors mark this sentiment well.” Permit me to say that, in my opinion, there are many, like myself, who will consider that the above sentiment is the truth well spoken in a few words.

New Orleans, La., July 31, 1860.

JOHN H. MARTINSTEIN.

[Mr. Martinstein is one of those faithful friends who are ever on the alert to serve somebody. For many years he has made up a large club in New Orleans, and sent us the list without compensation for his services. He is one of the many who think that they serve their friends by recommending the SCIENTIFIC AMERICAN.—Eds.]

The circulation of the SCIENTIFIC AMERICAN is also increasing in Europe, and especially in Great Britain, where its subscribers are already counted by hundreds; several of these have expressed their opinion as to the merits of the above-named journal, and the following extracts "speak volumes" in reference to its excellence.

MESSRS. EDITORS:—It is now six years since we first introduced your valuable publication into the libraries of our Polytechnic Institution and Polytechnic Association. From that time your issues regularly arrived by the bookseller's parcel; but it is now some months since this way seemed to be stopped, and therefore we were obliged to have recurrence to direct subscription, for the SCIENTIFIC AMERICAN is (according to the general opinion of our technical public, and our own private persuasion) *indispensable for every man who wishes not to be behind the age*. So you will find our name among the list of your *direct* subscribers since the opening of the "new series."

Berlin, Prussia, September 28, 1859.

J. PINTUS & CO.

In a recent letter from the proprietor of extensive mills at Carlisle, England, he says:—"I have, for a long time, been a regular reader of your invaluable weekly paper. I get the *Engineer* (London) and other similar papers here; but *none of them are half so practical as yours*."

An old subscriber, residing at Saverne, France, writes:—"Allow me to offer you my congratulations and my thanks for all you do for your readers. I am a subscriber to French, German, and English journals, of similar class; but the SCIENTIFIC AMERICAN is *the most complete, most practical, and the cheapest*. *The others can not be compared to it*. I am very sorry that nobody in my neighborhood understands English, or I would be able to send you some subscribers. I wrote to my bookseller, plainly, that I would agree to pay *again* for my paper; feeling it to be very generous of you to give your subscribers, without any extra charge, a journal so greatly enlarged and improved as is the first volume of your 'new series.'"

OUR THANKS are due and are hereby tendered to the press of the United States and the British Provinces for the generous notices which have been given to the "New Series" of the SCIENTIFIC AMERICAN. These notices are so numerous that we have not the space even to mention the names of our contemporaries who have thus favored us. We hope they will all receive the SCIENTIFIC AMERICAN regularly, and that, in the course of each volume, they will be able to find much matter worthy of a place in their columns.

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